







# **Enactments in Parliament**

**Volume IV**



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# Enactments in Parliament

specially concerning the  
Universities of Oxford and Cambridge  
the Colleges and Halls therein and  
the Colleges of Winchester  
Eton & Westminster

EDITED BY

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## ENACTMENTS IN PARLIAMENT

32 & 33 VICT. CHAP. 20.

An Act to remove doubts as to the validity of certain Statutes made by the Convocation of the University of Oxford.<sup>1</sup> [24th June 1869.] A. D. 1869.

WHEREAS by an Act passed in the seventeenth and eighteenth years of the reign of Her Majesty Queen Victoria, chapter eighty-one, it was, amongst other things, enacted, that every Statute framed by the Hebdomadal Council of the said University should be promulgated in Congregation, and should also be proposed there for acceptance or rejection, and should, if accepted by Congregation, be afterwards submitted to Convocation for final adoption or rejection as a Statute of the University<sup>2</sup> : 17 & 18  
Vict. c. 81.

And whereas since the passing of the said Act a practice has prevailed in the said University of dividing Statutes about to be proposed or submitted into separate portions, in order that the separate portions might be put successively to the vote :

And whereas doubts have arisen whether the aforesaid practice was authorized by the provisions of the said Act, and whether Statutes which were so divided have been regularly made, and are now valid as Statutes of the University, and it is expedient that such doubts should be removed, which cannot be done without the authority of Parliament :

Be it enacted by the Queen's most Excellent Majesty,

<sup>1</sup> For short title of this Act, 'The Oxford University Statutes Act, 1869,' see 40 & 41 Vict. c. 48. s. 1 and Schedule (*infra*).

<sup>2</sup> 17 & 18 Vict. c. 81. ss. 17-19 (*supra*).

A. D. 1869. by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

No Statute to be deemed to be invalid by reason only of any irregularity in the mode of proposing same in Congregation.

1. No Statute which heretofore and since the passing of the aforesaid Act has been submitted to and finally adopted by the Convocation of the University of Oxford shall be deemed to be or to have been invalid as a Statute of the University by reason only of any irregularity in the mode of proposing the same in Congregation, or otherwise in the making thereof ; and every such Statute shall be deemed to be and to have been valid to the same extent (but not further or otherwise) as if it had been regularly made pursuant to the provisions of the same Act.

32 & 33 VICT. CHAP. 24.

An Act to repeal certain enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Typefounders, and Reading Rooms.  
[12th July 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Acts and parts of Acts in first schedule repealed, except as in second schedule.

1. The Acts and parts of Acts described in the first schedule to this Act are hereby repealed, but the provisions of the said Acts which are set out in the second schedule to this Act shall continue in force in the same manner as if they were enacted in the body of this Act ; and this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, and all such remedies and proceedings may be had and continued in the same manner as if this Act had not passed.

Short title. 2. This Act may be cited as The Newspapers, Printers, and Reading Rooms Repeal Act, 1869.

FIRST SCHEDULE.

A. D. 1869.

Date of Act.	Title of Act, and part repealed.
36 Geo. 3. c. 8. <sup>1</sup>	An Act for the more effectually preventing seditious meetings and assemblies.
39 Geo. 3. c. 79. <sup>2</sup> in part.	An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices
	In part, namely,—sections fifteen to thirty-three, both inclusive, and so much of sections thirty-four to thirty-nine as relates to the above-mentioned sections.
2 & 3 Vict. c. 12. <sup>3</sup>	An Act to amend an Act of the thirty-ninth year of King George the Third, for the more effectual suppression of societies established for seditious and treasonable purposes, and for preventing treasonable and seditious practices, and to put an end to certain proceedings now pending under the said Act.

[The provisions set out in the second schedule include sections 2, 3, and 4 of 2 & 3 Vict. c. 12 (*supra*) with slight and immaterial verbal alterations.]

32 & 33 VICT. CHAP. 27.

An Act to amend the law for licensing Beerhouses, and to make certain alterations with respect to the Sale by retail of Beer, Cider, and Wine.<sup>4</sup>

[12th July 1869.]

[This Act, 'The Wine and Beerhouse Act, 1869,' required a Justices' certificate or licence as a condition for the granting of Excise licences for Beerhouses under 11 Geo.

<sup>1</sup> *Supra*.

<sup>2</sup> *Supra*.

<sup>3</sup> *Supra*.

<sup>4</sup> By s. 22 this Act was to be in force for two years and to the end of the then next session of Parliament; it was continued for a like term by 33 & 34 Vict. c. 29. s. 17; and 35 & 36 Vict. c. 94. s. 75 (*infra*) repealed s. 22, thus making the Act perpetual.

A. D. 1869. 4 & 1 Will. 4. c. 64 (*supra*) or for Wine licences for Refreshment Houses under 23 & 24 Vict. c. 27 (*supra*).]

20. Nothing in this Act contained shall be deemed to affect—

Nothing to affect privileges and rights herein named.

(1.) The privileges heretofore enjoyed by any university in England, or the chancellor, masters, and scholars of the same, or their successors<sup>1</sup>:

### 32 & 33 VICT. CHAP. 56.

An Act to amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education. [2d August 1869.]

. . . . .

Short title. 1. This Act may be cited as “The Endowed Schools Act, 1869.”

Definition of “educational endowment.” 5. In this Act, unless the context otherwise requires, the term “educational endowment” means an endowment or any part of an endowment which, or the income whereof, has been made applicable or is applied for the purposes of education at school of boys and girls or either of them, or of exhibitions tenable at a school or an university or elsewhere, whether the same has been made so applicable by the original instrument of foundation or by any subsequent Act of Parliament, letters patent, decree, scheme, order, instrument,<sup>a</sup> or other authority, and whether it has been made applicable or is applied in the shape—of payment to the governing<sup>a</sup> body of any school or any member thereof, or to any teacher or officer of any school, or to any person bound to teach, or to<sup>f</sup> scholars in any school, or their parents, or—of buildings, houses, or school apparatus for any school, or otherwise howsoever.

<sup>a</sup> As to the right of the Universities with respect to wine licences see 17 Geo. 2. c. 40. s. 11 (*supra*), and as to Cambridge 19 & 20 Vict. c. xvii. ss. 11, 12 (*supra*), and as to Oxford 53 & 54 Vict. c. cccxiii. s. 119 (*infra*).

8. Nothing in this Act, save as in this Act expressly provided, shall apply—

- (1.) To any school mentioned in section three of the Public Schools Act, 1868,<sup>1</sup> or to the endowment thereof:

A. D. 1869.  
Nothing in this Act, except as expressly provided, to apply to certain schools herein named.

14. Nothing in this Act shall authorize the making of any scheme interfering—

- (4.) With the constitution of the governing body of any school or with any exhibition (other than one restricted to any schools, or school or district,) forming part of the foundation of any college in Oxford or Cambridge, unless the college assent to the scheme.

Not to authorize schemes for interfering with modern endowments, cathedral schools, &c.

38. Where a scheme abolishes any restriction which makes any exhibition tenable only at a particular college or hall in any university, and the exhibition is payable out of property held by such college, or by the university in trust for such college or hall, (otherwise than as governing body of a school, or as a bare trustee,) the scheme shall not be approved if not less than two thirds of the governing body of such college or hall dissent therefrom in writing; but in every such case the Committee of Council shall make a special report to Parliament setting out the proposed scheme, and stating the dissent, and the reasons, if any, assigned for it.

Consent of colleges or hall.

### 32 & 33 VICT. CHAP. 58.

An Act for amending the Public Schools Act, 1868.

[9th August 1869.]

WHEREAS by the Public Schools Act, 1868, power is given to the governing bodies and commissioners therein mentioned in the case of Westminster to establish

<sup>31 & 32</sup>  
Vict.  
c. 118.<sup>3</sup>

<sup>1</sup> 31 & 32 Vict. c. 118 (*supra*.)

<sup>3</sup> *Supra*.



A. D. 1869, a governing body for the school, including boys whether on the foundation or not, either wholly or partially distinct from the Dean and Chapter of Westminster :

And whereas doubts are entertained whether in the case of the schools to which the said Act applies, other than the School of Westminster, the said governing bodies and commissioners have power to establish a governing body for such schools respectively distinct from the existing governing bodies of the said schools :

And whereas it is expedient to remove such doubts :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Power in case of all schools within the Public Schools Act, 1868, to constitute a distinct governing body for the school.

1. It is hereby declared that the power given by the said Public Schools Act to the said governing bodies and commissioners in the case of Westminster School shall be deemed to have extended and to extend to all the schools to which the said Act applies, and the fifth section of the said Act as from the date of the passing thereof shall be construed as if instead of the words "with power in the case of Westminster to establish a governing body for the school, including boys whether on the foundation or not, either wholly or partially distinct from the Dean and Chapter of Westminster," there had been inserted the words, "with power in the case of every school to which this Act applies to establish a governing body for the school, including boys whether on the foundation or not, either wholly or partially distinct from the existing governing body of such school, and all statutes made or to be made in relation to the constitution of the governing body of each of the said schools, shall be valid accordingly."

Governing bodies to be bodies corporate.

2. Any governing body established for any of the schools to which the said Act applies shall, as in the case of Westminster School, be a body corporate, with perpetual succession and a common seal, and with power to hold lands, for the purposes of the school for which it is established, without licence of mortmain.

3. The following amendment shall be made ; (that is to say,) A. D. 1869.  
Amend-  
ment of  
sec. 27. of  
recited Act.

In section twenty-seven of the said Act the words "a part of" shall be substituted for the words "apart from."

4. This Act may be cited for all purposes as "The Public Schools Act 1869," and shall, so far as is consistent with the tenor thereof, be construed as one with the Public Schools Act, 1868. Short title  
and con-  
struction  
of Act.

32 & 33 VICT. CHAP. 109.

An Act for repealing part of an Act of the first year of the reign of their Majesties King William and Queen Mary, intituled "An Act to vest in "the two Universities the presentations of benefices belonging to Papists," and for securing uniformity in the law relating to the residence of spiritual persons upon their benefices, and to the penalties and forfeitures consequent on non-residence.  
[11th August 1869.]

WHEREAS by an Act passed in the first year of the reign of their Majesties King William and Queen Mary, chapter twenty-six, it was (amongst other things) enacted, that if any person presented or nominated to any benefice with cure as in the same Act is mentioned should be absent from the same above the space of sixty days in any one year, in such case the said benefice should become void <sup>1</sup>;

And whereas by an Act passed in the first and second years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to abridge the holding "of benefices in plurality, and to make better provision for "the residence of the clergy," <sup>2</sup> provisions are made for enforcing the residence of spiritual persons upon their bene-

<sup>1</sup> 1 W. & M. [1 W. & M. Sess. 1., Ruff.] c. 26. s. 2 (*supra*).

<sup>2</sup> *Supra*.

CH. 109] *Presentation of Benefices belonging* [32 & 33 VICT.  
to Roman Catholics, &c.

A. D. 1869. fices, and penalties and forfeitures are thereby imposed for non-residence, which Act was amended by an Act passed in the thirteenth and fourteenth years of the reign of Her present Majesty, chapter ninety-eight,<sup>1</sup> but the herein-before recited provision contained in the said Act of the first year of the reign of their Majesties King William and Queen Mary was not expressly repealed :

And whereas it is desirable, for the sake of uniformity, that the residence of spiritual persons upon their benefices should in all cases be enforced under the powers of the herein-before mentioned Acts of Her present Majesty, and that such spiritual persons should not be subjected to any penalties or forfeitures in consequence of non-residence, other than the penalties and forfeitures provided by the same Acts :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Repeal of  
part of  
first recited  
Act.

1. So much of the said Act of the first year of the reign of their Majesties King William and Queen Mary as is herein-before recited shall be and the same is hereby repealed ; but so as not to prejudice or affect any right which may have accrued by reason of any avoidance of a benefice under the same section incurred before the passing of this Act.

What pro-  
ceedings  
may be  
taken for  
enforcing  
residence.

2. From and after the passing of this Act, no proceeding shall be taken against any spiritual person for enforcing the residence of such spiritual person upon his benefice, or by reason of his non-residence on his benefice, except under the powers and provisions contained in the herein-before mentioned Acts of Parliament of the first and second years of the reign of Her present Majesty, chapter one hundred and six, and the thirteenth and fourteenth years of the reign of Her present Majesty, chapter ninety-eight,

<sup>1</sup> *Supra.*

32 & 33 VICT.] *Presentation of Benefices belonging* [CH. 109  
to Roman Catholics, &c.]

or of any Act for the time being in force for amending the same, and no penalty or forfeiture shall be incurred in consequence of the non-residence of any spiritual person upon his benefice, save and except such penalties for non-residence as are provided by the herein-before mentioned Acts of the reign of Her present Majesty, or as shall be provided by any Act for the time being in force for amending the same. A. D. 1869.

32 & 33 VICT. CHAP. cxxii.

An Act for granting further powers to "The Oxford Gaslight and Coke Company."<sup>1</sup>

[12th July 1869.]

[This Act, 'The Oxford Gaslight and Coke Company's Act, 1869,' repeals (section 4) 'subject to the provisions of this Act', 58 Geo. 3. c. lxiv (*supra*), but continues the Company thereby incorporated, with enlarged powers.]

34. The auditor shall half-yearly audit the accounts of the Company, and, if he finds the same correct, he shall certify the same; but if in any instance he finds the accounts incorrect in principle or in detail, he shall require the Company to correct the same in such manner as he thinks right, and a dividend shall not in any case be declared until the accounts are certified by the auditor, and the accounts as certified shall be laid before the vice-chancellor of the university of Oxford, the mayor of the city of Oxford, the clerk of the Oxford local board, and the clerk of the peace for the city of Oxford. Periodical audit.

84. Saving always to the chancellor, masters, and scholars of the university of Oxford, and to all persons matriculated therein or being members thereof, their rights and privileges of civil and criminal judicature and trial in the courts Saving the rights of the chancellor, masters, and scholars, &c.

<sup>1</sup> Further powers were granted to the Oxford Gaslight and Coke Company by 45 & 46 Vict. c. cxxvii. Section 55 of the amending Act is *verbatim* the same as s. 84 of this Act.

Ch. cxxii] *The Oxford Gaslight and Coke [32 & 33 Vict.  
Company's Act, 1869.*

A. D. 1869. of the said university alone, as the same have been granted by the charters of the said university and confirmed by divers Acts of Parliament, and saving always to the chancellor, masters, and scholars of the said university and their successors, the several bodies politic, corporate, collegiate, or sole of the said university and their successors, their respective rights, privileges, and franchises.

33 & 34 VICT. CHAP. 75

A. D. 1870. An Act to provide for public Elementary Education in England and Wales. [9th August 1870.]

BE it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Short title. 1. This Act may be cited as "The Elementary Education Act, 1870."

School districts, &c. in schedule. 4. For the purposes of this Act the respective districts, boards, rates, and funds, and authorities described in the first schedule to this Act shall be the school district, the school board, the local rate, and the rating authority.

Provision as to Oxford. 93. In the case of the borough of Oxford, the provisions of this Act relating to boroughs shall be construed as if the local board were therein mentioned instead of the council ; if a school board is formed in the borough of Oxford, one third of the school board shall be elected by the University of Oxford, or the colleges and halls therein, in such manner as may be directed by the Education Department by an order made under the power contained in the second schedule to this Act.<sup>1</sup>

<sup>1</sup> A regulation was made by the Education Department on the 6th of January, 1871, prescribing the mode of holding the first election of the Oxford School Board, which regulation was confirmed and continued in force by 36 & 37 Vict. c. 86. s. 5 (*infra*).

Art. XXXI (17) of the Oxford Order, 1889, confirmed by 52 & 53 Vict. c. xv

## FIRST SCHEDULE.

A. D. 1870.

School District.	School Board.	Local Rate.	Rating Authority.
Boroughs except Oxford.	The school board appointed under this Act.	The borough fund or borough rate.	The council.
District of the local board of Oxford.	The school board appointed under this Act.	Rate leviable by the local board.	The local board.
• • •	• • •	• • •	• • •

## 33 &amp; 34 VICT. CHAP. 84.

An Act to amend the Public Schools Act, 1868.  
[9th August 1870.]

WHEREAS by the Public Schools Act, 1868, certain powers of making statutes and regulations and of making and proposing schemes are vested in the new governing bodies of the several schools to which the said Act applies:

And whereas it is provided by the said Act that all such powers shall, from and after a day named in the said Act, or such further time as may be determined by Her Majesty by Order in Council, pass to and vest in the Special Commissioners by the said Act appointed, subject as therein mentioned; and it is further provided that the powers conferred on the said Special Commissioners by the said Act shall be in force until such day as in the said Act mentioned, or a further day to which the same may be continued by Her Majesty as therein mentioned:

(*infra*), provides that from and after the 9th of November, 1889, this section and the First Schedule are to be read as referring to the City, the borough fund, or borough rate, and the Corporation, as the School District, the local rate, and the rating authority respectively.

Section 4, this section, and the First Schedule were repealed by 2 Ed. 7 c. 42, School Boards being abolished by that Act.

<sup>1</sup> *Supra*.

A. D. 1870. And whereas the powers so vested in the new governing bodies of the said schools have been continued by Her Majesty, but will, unless Parliament otherwise provides, on and after the first day of January one thousand eight hundred and seventy-one, pass to the said Special Commissioners :

And whereas it is expedient to postpone for such further time as is herein-after mentioned the transfer of such powers as aforesaid to the said Special Commissioners, and to continue for a further time the powers of the said Special Commissioners :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited for all purposes as "The Public Schools Act, 1870."

Extension of powers of new governing bodies. 2. All powers by the Public Schools Act, 1868, or any Act amending the same, vested in the new governing bodies of the several schools to which the said Public Schools Act applies, shall continue vested in such new governing bodies respectively until the thirty-first day of July one thousand eight hundred and seventy-one, and from and after the said thirty-first day of July one thousand eight hundred and seventy-one, and not before, shall pass to and vest in the said Special Commissioners, subject nevertheless as in the said Act mentioned.

Duration of powers of Commissioners. 3. Subject to the provisions of this Act, all powers conferred on the Special Commissioners by the Public Schools Act, 1868, or any Act amending the same, shall be in force until the thirty-first day of July one thousand eight hundred and seventy-two, and it shall be lawful for Her Majesty, if she think fit, by and with the advice of Her Privy Council, to continue the same until the thirty-first day of December one thousand eight hundred and seventy-two.<sup>1</sup>

• <sup>1</sup> For further extensions of the powers extended by this Act see (*infra*) 24 & 35 Vict. c. 60 and 35 & 36 Vict. c. 54.

## 34 VICT. CHAP. 23.

An Act for re-vesting in Her Majesty, her heirs A. D. 1871.  
and successors, the Rectory of Newelme alias  
Ewelme, in the county of Oxford.

[16th June 1871.]

WHEREAS King James the First, by letters patent,  
granted his advowson of the rectory of Newelme  
alias Ewelme, in the county of Oxford, for the benefit  
of the Regius Professor of Divinity in the University of  
Oxford, and by a subsequent Act of the tenth year of the  
reign of Queen Anne, chapter forty-five, intituled "An Act  
"for confirming and rendring more effectual certain letters  
"patents of King James the First, for annexing a canonry  
"and several rectories to the Regius Professor of Divinity  
"in the University of Oxford, and to the Regius Professor  
"and Lady Margaret's Reader of Divinity in the University  
"of Cambridge,"<sup>1</sup> such grant was further carried into effect,  
and the said rectory was annexed to the office of Regius  
Professor of Divinity in the said University:

10 Ann.  
c. 45. (in  
the Record  
edition),  
[c. 12. in  
the or-  
dinary  
editions].

And whereas it is expedient to re-vest in Her Majesty,  
her heirs and successors, the said advowson:

Be it enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual  
and Temporal, and Commons, in this present Parliament  
assembled, and by the authority of the same, as follows:

1. After the passing of this Act the rectory of Newelme  
alias Ewelme, in the county of Oxford, shall cease to be  
annexed to the office of Regius Professor of Divinity in the  
University of Oxford, and the advowson of the said rectory  
shall re-vest in Her Majesty, her heirs and successors, who  
shall be entitled to present any person being a member of  
Convocation of the said University to the said rectory in  
the same manner in all respects as if the said advowson<sup>\*</sup>

Rectory of  
Ewelme to  
cease to be  
annexed to  
office of  
Regius  
Professor  
of Divinity.

<sup>1</sup> 10 Ann. c. 45 [c. 12., Ruff.] *supra*.



A. D. 1871. had always continued vested in the Crown, and the said rectory had not been annexed to the said office.

Short title. 2. This Act may be cited as The Rectory of Ewelme Act, 1871.

34 VICT. CHAP. 26.

An Act to alter the law respecting Religious Tests in the Universities of Oxford, Cambridge, and Durham, and in the Halls and Colleges of those Universities. [16th June 1871.]

WHEREAS it is expedient that the benefits of the Universities of Oxford, Cambridge, and Durham, and of the colleges and halls now subsisting therein, as places of religion and learning, should be rendered freely accessible to the nation:

And whereas, by means of divers restrictions, tests, and disabilities, many of Her Majesty's subjects are debarred from the full enjoyment of the same:

And whereas it is expedient that such restrictions, tests, and disabilities should be removed, under proper safeguards for the maintenance of religious instruction and worship in the said universities and the colleges and halls now subsisting within the same:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 1. This Act may be cited as "The Universities Tests Act, 1871."

Interpretation of terms. 2. In the construction of this Act—

The word "college" includes the cathedral or house of Christ Church in Oxford, and any hall not being a private hall established under the Act of the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter eighty-one, nor being a hostel established under the Act of the session of

the nineteenth and twentieth years of the reign of Her A. D. 1871.  
present Majesty, chapter eighty-eight :

The word "office" includes every professorship other than professorships of divinity, every assistant or deputy professorship, public readership, prelectorship, lectureship, headship of a college or hall, fellowship, studentship, tutorship, scholarship, and exhibition, and also any office or emolument not in this section specified, the income of which is payable out of the revenues of any of the said universities, or of any college within the said universities, or which is held or enjoyed by any member as such of any of the said universities, or of any college within any of the said universities.

8. From and after the passing of this Act, no person shall be required, upon taking or to enable him to take any degree (other than a degree in divinity) within the Universities of Oxford, Cambridge, and Durham, or any of them, or upon exercising or to enable him to exercise any of the rights and privileges which may heretofore have been or may hereafter be exercised by graduates in the said universities or any of them, or in any college subsisting at the time of the passing of this Act in any of the said universities, or upon taking or holding or to enable him to take or hold any office in any of the said universities or any such college as aforesaid, or upon teaching or to enable him to teach within any of the said universities or any such college as aforesaid, or upon opening or to enable him to open a private hall or hostel in any of the said universities for the reception of students, to subscribe any article or formulary of faith, or to make any declaration or take any oath respecting his religious belief or profession, or to conform to any religious observance, or to attend or abstain from attending any form of public worship, or to belong to any specified church, sect, or denomination; nor shall any person be compelled, in any of the said universities or any such college as aforesaid, to attend the public worship of any church, sect, or denomination to which he does not belong: Provided that—

Persons taking lay academical degrees or holding lay academical or collegiate offices not to be required to subscribe any formulary of faith, &c.

A. D. 1871. (1.) Nothing in this section shall render a layman or a person not a member of the Church of England eligible to any office or capable of exercising any right or privilege in any of the said universities or colleges, which office, right, or privilege, under the authority of any Act of Parliament or any statute or ordinance of such university or college in force at the time of the passing of this Act, is restricted to persons in holy orders, or shall remove any obligation to enter into holy orders which is by such authority attached to any such office.

(2.) Nothing in this section shall open any office (not being an office mentioned in this section) to any person who is not a member of the Church of England, where such office is at the passing of this Act confined to members of the said Church by reason of any such degree as aforesaid being a qualification for holding that office.

Act not to interfere with lawfully established system of religious instruction, worship, and discipline.

4. Nothing in this Act shall interfere with or affect, any further or otherwise than is hereby expressly enacted, the system of religious instruction, worship, and discipline which now is or which may hereafter be lawfully established in the said universities respectively, or in the colleges thereof or any of them, or the statutes and ordinances of the said universities and colleges respectively relating to such instruction, worship, and discipline.

Religious instruction.

5. The governing body of every college subsisting at the time of the passing of this Act in any of the said universities shall provide sufficient religious instruction for all members thereof in statu pupillari belonging to the Established Church.

Morning and Evening Prayer to be used as heretofore, but an abridgement may

6. The Morning and Evening Prayer according to the Order of the Book of Common Prayer shall continue to be used daily as heretofore in the chapel of every college subsisting at the time of the passing of this Act in any of the said universities; but notwithstanding anything contained in the statute thirteenth and fourteenth Charles the Second,

chapter four,<sup>1</sup> or in this Act, it shall be lawful for the visitor of any such college, on the request of the governing body thereof, to authorise from time to time, in writing, the use on week days only of any abridgment or adaptation of the said Morning and Evening Prayer, in the chapel of such college instead of the Order set forth in the Book of Common Prayer.

A. D. 1871.  
be used on  
week days  
on request  
of govern-  
ing body.

7. No person shall be required to attend any college or university lecture to which he, if he be of full age, or, if he be not of full age, his parent or guardian, shall object upon religious grounds.

Attendance  
at lectures.

8. After the passing of this Act, the Acts specified in the schedule to this Act are hereby repealed to the extent in the third column of the said schedule mentioned; and any provision in any Act of Parliament or in any statute or ordinance of the said universities or colleges, so far as it is inconsistent with this Act, shall be repealed.

Repeal of  
Acts in  
schedule.

### SCHEDULE.

This Schedule, so far as respects Acts prior to the reign of George the First, refers to the edition prepared under the direction of the Record Commission, intituled "The Statutes of the Realm, printed by command of His Majesty King George the Third, in pursuance of an address of the House of Commons of Great Britain, from original records and authentic manuscripts."

Date of Act.	Title of Act.	Extent of Repeal.
(1) 14 Chas. 2. c. 4. <sup>1</sup>	An Act for the uniformity of public prayers and administration of sacraments and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons in the Church of England.	So much of section six <sup>(2)</sup> as is unrepealed; section eight <sup>(3)</sup> ; and section thirteen <sup>(4)</sup> , except so far as it relates to the colleges of Westminster, Winchester, and Eton, or any governor or head thereof.

(1) 13 and 14 Chas. 2. in Ruffhead.

(2) Sections 9 and 10 in Ruffhead.

(3) Section 12 in Ruffhead.

(4) Section 17 in Ruffhead.

<sup>1</sup> See s. 1 of the Act cited, 14 [13 & 14., Ruff.] Car. 2. c. 4. ('The Act of Uniformity') (*supra*).  
<sup>2</sup> *Supra*.

A. D. 1871.	Date of Act.	Title of Act.	Extent of Repeal.
1 Geo. I. 81. 2. c. 13. <sup>1</sup>		An Act for the further security of His Majesty's person and government, and the succession of the Crown in the heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors.	So much as is unrepealed. • • •
31 Geo. 3. c. 32. <sup>2</sup>		An Act to relieve upon conditions, and under restrictions, the persons therein described from certain penalties and disabilities to which Papists or persons professing the Popish religion are by law subjects.	So much of section fourteen as relates to any of the universities of Oxford, Cambridge, and Durham.
10 Geo. 4. c. 7. <sup>3</sup>		An Act for the relief of His Majesty's Roman Catholic subjects.	So much as relates to any of the said universities or any college therein.
19 & 20 Vict. c. 88. <sup>4</sup>		An Act to make further provision for the good government and extension of the University of Cambridge, of the colleges therein, and of the College of King Henry the Sixth at Eton.	Section forty-five from the words "but such degree" inclusive, to the end of the section.

## 34 &amp; 35 VICT. CHAP. 60.

An Act to amend the Public Schools Act, 1868.

[31st July 1871.]

33 & 34  
Vict. c. 84.  
31 & 32  
Vict.  
c. 118.<sup>5</sup>

WHEREAS by the Public Schools Act, 1870, it is provided, firstly, that all powers by the Public Schools Act, 1868, or any Act amending the same, vested in the new governing bodies of the several schools to which the said Public Schools Act applies, shall continue vested

<sup>1</sup> *Supra.*<sup>2</sup> *Supra.*<sup>3</sup> *Supra.*<sup>4</sup> *Supra.**Supra.*<sup>5</sup> *Supra.*

in such new governing bodies respectively until the thirty-first day of July one thousand eight hundred and seventy-one, and from and after the said thirty-first day of July one thousand eight hundred and seventy-one, and not before, shall pass to and vest in the Special Commissioners in the said Act named, subject nevertheless as in the said Act mentioned; secondly, that, subject to the provisions of the said Public Schools Act, 1870, all powers conferred on the Special Commissioners by the Public Schools Act, 1868, or any Act amending the same, shall be in force until the thirty-first day of July one thousand eight hundred and seventy-two, and it shall be lawful for Her Majesty, if she think fit, by and with the advice of Her Privy Council, to continue the same until the thirty-first day of December one thousand eight hundred and seventy-two:

And whereas it is expedient to postpone for such further time as is herein-after mentioned the transfer to the said Special Commissioners of the powers vested as aforesaid in the said new governing bodies, and to continue for a further time the powers of the said Special Commissioners:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Public Schools Act, 1871."

2. All powers by the Public Schools Act, 1868, or any Act amending the same, vested in the new governing bodies of the said schools shall continue vested in such new governing bodies respectively until the twenty-fifth day of August one thousand eight hundred and seventy-two, and from and after the said twenty-fifth day of August one thousand eight hundred and seventy-two, and not before, shall pass to and vest in the said Special Commissioners, subject nevertheless as in the said Act mentioned.

Extension  
of powers  
of new  
governing  
bodies of  
certain  
public  
schools.

3. It shall be lawful by statutes or regulations passed

Statutes  
may pro-

A. D. 1871. under the said Acts to provide that the members of the governing bodies of Eton and Winchester shall be fellows of the colleges thereof ; provided that nothing therein shall affect the status or emoluments of the existing fellows of the said colleges, or confer upon them any right to act as members of the governing body ; provided also, that the holding of any such fellowship as a member of the governing body shall not interfere with the right of holding any other fellowship or preferment.

Duration of powers of commissioners. 4. Subject to the provisions of this Act all powers conferred on the Special Commissioners by the Public Schools Act, 1868, or any Act amending the same, shall be in force until the twenty-fifth day of March one thousand eight hundred and seventy-three, and it shall be lawful for Her Majesty, if she think fit, by and with the advice of Her Privy Council, to continue the same until the twenty-fifth day of August one thousand eight hundred and seventy-three.<sup>1</sup>

34 & 35 VICT. CHAP. 63.

An Act to amend the Law respecting the granting of Charters in certain cases. [31st July 1871.]

WHEREAS it is expedient to provide that any charter which Her Majesty, after the passing of this Act, may be advised to grant for the foundation of any new college or new university shall be laid before both Houses of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited for all purposes as "The College Charter Act, 1871."

<sup>1</sup> For a further extension of the powers extended by this Act see 35 & 36 Vict. c. 54 (*infra*).

2. A copy of any application for a charter for the foundation of any college or university, which, after the passing of this Act, may be referred by Her Majesty in Council for the consideration and report of any Committee of Her Majesty's Privy Council, shall, together with a copy of the draft of the charter applied for, be laid before both Houses of Parliament for a period of not less than thirty days before any such report shall be submitted to Her Majesty.

A. D. 1871.  
Copy of college charter to be laid before Parliament.

8. In this Act the expression "college or university" shall include any institution in the nature of a college or university.

Definition of "college or university."

### 34 & 35 VICT. CHAP. 66.

An Act to amend and define the Law relating to Private Chapels, and to Chapels belonging to Colleges, Schools, Hospitals, Asylums, and other public institutions. [14th August 1871.]

**W**HEREAS it is expedient to amend the law relating to certain chapels :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The bishop of the diocese within which any chapel belonging to any college, school, hospital, asylum, or public or charitable institution is situated, whether consecrated or unconsecrated, may license a clergyman of the Church of England to serve such chapel and administer therein the sacrament of the Lord's Supper, and perform such other offices and services of the Church of England as shall be specified in such license, provided that the bishop shall not include in any such license the solemnization of marriage; and may, if he think fit, revoke the same at any time.

Bishop may license clergyman of Church of England to certain private chapels ;

and revoke such license.

2. The minister officiating in such chapel shall, with respect to the performance of the offices and services of the Church specified in such license, be subject to no con-

Status of minister, and saving of rights of incumbent.



A. D. 1871. trol or interference on the part of the incumbent of the parish or district in which such chapel is situate; but nothing herein contained shall prejudice or affect the right of such incumbent to the entire cure of souls throughout such parish or district elsewhere than within such institution and the chapel thereof.

Offertory. 3. The offertory and alms collected at any chapel subject to the provisions of this Act shall be disposed of as the minister thereof shall determine, subject to the direction of the ordinary.

Short title. 4. This Act may be cited as "The Private Chapels Act, 1871."

34 & 35 VICT. CHAP. clviii.

An Act for the draining of Lands adjoining and near to the River Thames and its tributaries in the counties of Berks, Oxford, Wilts, and Gloucester; and for other purposes.

[24th July 1871.]

Short title. 1. This Act may for all purposes be cited as "The Thames Valley Drainage Act, 1871."

Interpretation of terms. 2. The following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction:

The word "person" shall include a corporation, whether aggregate or sole:

The word "owner," except where used with reference to the purchase of lands under the powers of this Act and of the Acts incorporated therewith, shall include,—

(1.) Any person who is or would be, if the land were let to a tenant, in receipt of the rents (other than rents seck, quitrents, or fee-farm rents) and profits of any land, or if there be more than one subsisting lease, agreement for lease,

or tenancy, then the person in receipt of the rent (other than rents seck, quitrents, or fee-farm rents) reserved by or payable in respect of the superior lease, agreement, or tenancy: A. D. 1871.

- (2.) Any corporation, aggregate or sole, any trustees for charities, and any commissioners or trustees for ecclesiastical, collegiate, or other public purposes, who would be owners within the meaning of this Act if they were entitled to receive the rents and profits of any lands for their own benefit:

The word "college" shall include Christ Church in the University of Oxford :

The word "head of college" shall include the dean of Christ Church, and also all provosts, masters, presidents, wardens, rectors, and principals of colleges : . . .

[Section 5 appoints as first Commissioners together with other named persons " the Vice-Chancellor of the University of Oxford ; Charles Neate, Fellow of Oriel College ; Arthur Robarts Adams, D.C.L., Fellow of St. John's College ; the bursar of New College ; the bursar of Magdalen College ; the warden of All Souls' College ; the bursar of Merton College ; the treasurer of Christ Church ' ; the Mayors of Oxford and Abingdon, and the Sheriff and three named aldermen of Oxford.]

14. Where a corporation aggregate, or any commissioners, proprietors, or other undertakers, are owners or occupiers of any land, such corporation, commissioners, proprietors, or undertakers respectively shall be deemed to be one owner or occupier for the purposes of this Act, and shall appoint a deputy to vote, and also to express their assent or dissent under the powers of this Act, and such deputy, or any agent whom they may desire to qualify to be a Commissioner under the powers of this Act, shall be appointed, in the case of a college either under their common seal or under the hands of the head and senior bursar or treasurer of such college, . . .

Provision  
as to  
ownership  
by corpora-  
tions, &c.

Ch. clviii] *Thames Valley Drainage Act, 1871.* [34 & 35 VICT.

A. D. 1871. [Sections 16–18 provide for the appointment of district boards ; sections 19–22 for the election by the district boards (or in default by the Inclosure Commissioners) of drainage commissioners to take the place of those appointed by the Act ; section 23 provides that the qualification of a Commissioner shall be that he is owner, or heir-apparent or agent of an owner, of fifty acres of land within the Commissioners' jurisdiction.

Sections 131–133 contain provisions as to the service of notices.

Section 133 prescribes the mode of service on corporations.]

Notice to corporations and colleges how to be served.

... In the case of any college such notice shall be served on the head, or bursar, or treasurer of such college, or in the case of the University of Oxford on the vice-chancellor or the registrar.

35 VICT. CHAPTER 8.

A. D. 1872. An Act to provide for the Resignation of Deans and Canons. [13th May 1872.]

Short title. 1. This Act may be cited for all purposes as "The Deans and Canons Resignation Act, 1872."

Special provision as to dean or canon found by process of law to be of unsound mind. 5. If any dean or canon has been found by due process of law to be a lunatic or of unsound mind, the bishop of the diocese may if he think fit grant a certificate of the incapacity of such dean or canon without any representation being made by him of such incapacity, and such certificate shall for the purposes of this Act have the same effect as if it had been granted in pursuance of a representation of incapacity made by the dean or canon : Provided that no such certificate shall be granted where the deanery or canonry held by the person so found to be a lunatic or of unsound mind is annexed to the headship of a college or professorship of any University so long as provision shall be made to the satisfaction of

the bishop for performing the duties of the said deanery A. D. 1872.  
or canonry.

7. Where any professorship, archdeaconry, headship, or other preferment, ecclesiastical or civil, is annexed to any deanery or canonry, or any deanery or canonry is annexed to any professorship, archdeaconry, headship, or other preferment, ecclesiastical or civil, the dean or canon retiring from his deanery or canonry in pursuance of this Act shall be deemed to have vacated also such professorship, archdeaconry, headship, or other preferment, and shall be entitled to be paid out of the income of such preferment, and as a first charge thereon in the hands of his successor, by the treasurer or other officer whose duty it is to pay such income, one third part of such income, calculated on an average of the three preceding years, received therefrom by the retiring dean or canon before his retirement on account of such preferment, such yearly sum to accrue due from day to day, but to be payable half-yearly: Provided, that where any such dean or canon would (if this Act had not passed, and he had vacated or become incapable of performing the duties of any such professorship, archdeaconry, headship, or other preferment.) have been entitled to any other payment in respect of such preferment than that to which he is entitled under this section, such payment shall be substituted for the one third awarded to him hereby.

8. All powers and duties by this Act vested in or imposed on the bishop of the diocese shall in the case of the dean and canons of the Queen's Free Chapel of Saint George within her Castle of Windsor, the dean and canons of Christchurch, Oxford, and the dean and canons of the collegiate church of Saint Peter, Westminster, vest in and be imposed on the Archbishop of Canterbury acting on behalf of Her Majesty.

Vacancy in deanery or canonry create a vacancy in any annexed preferment.

Arch-bishop to act as bishop in case of certain collegiate churches.

35 & 36 VICT. CHAPTER 33.

A. D. 1872. An Act to amend the Law relating to Procedure at  
Parliamentary and Municipal Elections.

[18<sup>th</sup> July 1872.]

[This Act provides for votes at parliamentary and municipal elections being given by ballot, and otherwise regulates such elections.]

PART III.<sup>1</sup>

PERSONATION.

Construction of part of Act.

27. This part of this Act, so far as regards parliamentary elections, shall be construed as one with "The Parliamentary Elections Act, 1868," and shall apply to an election for a university or combination of universities.

Saving.

31. Nothing in this Act, except Part III. thereof, shall apply to any election for a university or combination of universities.

[Section 32 repeals the Acts specified in the Fourth, Fifth, and Sixth Schedules to the extent specified in those Schedules. Section 3 of 16 & 17 Vict. c. 68 (*supra*) is specified in the Fourth Schedule.]

Short title.

33. This Act may be cited as The Ballot Act, 1872, and shall continue in force till the thirty-first day of December one thousand eight hundred and eighty, and no longer, unless Parliament shall otherwise determine; and on the said day the Acts in the fourth, fifth, and sixth schedules shall be thereupon revived; provided that such revival shall not affect any act done, any rights acquired, any liability or penalty incurred, or any proceeding pending under this Act, but such proceeding shall be carried on as if this Act had continued in force.<sup>2</sup>

<sup>1</sup> This part, consisting of sections 24-27, besides dealing with personation (s. 24), provides for the striking off of votes for bribery, treating, or undue influence, &c. 25.

<sup>2</sup> This Act has been continued and is still in force.

35 & 36 VICT. CHAPTER 35.

An Act for the Amendment of the Act of Uniformity. A. D. 1872.

[18th July 1872.]

[The Act authorizes the use of shortened forms of morning and evening prayer, special, and additional forms of service, the separation of services, and the preaching of sermons without previous service.]

7. Nothing in this Act shall affect the provision with Saving of respect to the chapels of colleges in the universities of <sup>34 & 35</sup> Vict. c. 26. Oxford, Cambridge, and Durham, which is contained in <sup>s. 6.</sup> section six of the Universities Tests Act, 1871.

9. This Act may be cited as "The Act of Uniformity Short title. Amendment Act, 1872."

35 & 36 VICT. CHAPTER 54.

An Act to amend the Public Schools Act, 1868.

[6th August 1872.]

WHEREAS by the Public Schools Act, 1871, it is <sup>34 & 35</sup> provided, firstly, that all powers by the Public <sup>Vict. c. 60.</sup> Schools Act, 1868, or any Act amending the same, vested <sup>31 & 32</sup> in the new governing bodies of the several schools to <sup>Vict. c. 118.</sup> which the said Public Schools Act applies shall continue vested in such new governing bodies respectively until the twenty-fifth day of August one thousand eight hundred and seventy-two, and from and after the said twenty-fifth day of August one thousand eight hundred and seventy-two, and not before, shall pass to and vest in the Special Commissioners in the said Act named, subject nevertheless as in the said Act mentioned; secondly, that, subject to the provisions of the said Public Schools Act, 1871, all powers conferred on the Special Commissioners by the Public

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

<sup>3</sup> *Supra.*

A. D. 1872. Schools Act, 1868, or any Act amending the same, shall be in force until the twenty-fifth day of March one thousand eight hundred and seventy-three, and it shall be lawful for Her Majesty, if she think fit, by and with the advice of Her Privy Council, to continue the same until the twenty-fifth day of August one thousand eight hundred and seventy-three :

And whereas it is expedient to postpone for such further time as is herein-after mentioned the transfer to the said Special Commissioners of the powers vested as aforesaid in the said new governing bodies, and to continue for a further time the powers of the said Special Commissioners, and to make certain provisions as to Rugby School :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited for all purposes as "The Public Schools Act, 1872."

Extension of powers of new governing bodies of certain public schools. 2. All powers by the Public Schools Act, 1868, or any Act amending the same, vested in the new governing bodies of the said schools shall continue vested in such new governing bodies respectively until the twenty-fifth day of August one thousand eight hundred and seventy-three, and it shall be lawful for Her Majesty, if she think fit, by and with the advice of Her Privy Council, to continue the same until the twenty-fifth day of February one thousand eight hundred and seventy-four, and from and after the said twenty-fifth day of August one thousand eight hundred and seventy-three, or if such powers are continued by order of Her Majesty in Council until the twenty-fifth day of February one thousand eight hundred and seventy-four, from and after such last-mentioned day, and not before, the powers so vested in such new governing bodies as aforesaid shall pass to and vest in the said Special Commissioners, subject nevertheless as in the said Act mentioned.

3. Subject to the provisions of this Act, all powers A. D. 1872. conferred on the Special Commissioners by the Public Duration of powers of Commissioners. Schools Act, 1868, or any Act amending the same, shall be in force until the twenty-fifth day of March one thousand eight hundred and seventy-four, and it shall be lawful for Her Majesty, if she think fit, by and with the advice of Her Privy Council, to continue the same until the twenty-fifth day of September one thousand eight hundred and seventy-four.

4. The additions and alterations mentioned in the Amendment of section 21. of the Public Schools Act, 1868. twenty-first section of the Public Schools Act, 1868, shall be construed to include and authorise the construction of any new or separate buildings and any additions to or alterations in any existing buildings, for the purposes of any subordinate or other school established or to be established in connexion with any school to which the said Act applies.

[Section 5 relates exclusively to Rugby School.]

### 35 & 36 VICT. CHAPTER 79.

An Act to amend the Law relating to Public Health.<sup>1</sup>

[10th August 1872.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

#### *Preliminary.*

1. This Act may be cited for all purposes as the Public Health Act, 1872.

#### *Sanitary Authorities.*

3. From and after the passing of this Act England shall be divided into sanitary districts to be called respectively— Urban and rural sanitary districts.

<sup>1</sup> This Act, except so far as it related to the Metropolis, was repealed by the Public Health Act, 1875 (38 & 39 Vict. c. 55), s. 343. Schedule V.



A. D. 1872.

(1.) Urban sanitary districts ; and

(2.) Rural sanitary districts ;

and such urban and rural sanitary districts shall respectively be subject to the jurisdiction of local authorities, in this Act called urban sanitary authorities and rural sanitary authorities, invested with the powers in this Act mentioned.

Descrip-  
tion of  
urban  
sanitary  
districts  
and urban  
sanitary  
authorities.

4. Urban sanitary districts shall consist of the places in that behalf mentioned in the first column of the table in this column contained, and urban sanitary authorities shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

TABLE above referred to.

Urban Sanitary District.	Urban Sanitary Authority.
Borough constituted such either before or after the passing of this Act.	The Mayor, Aldermen, and Burgesses acting by the Council.
Improvement Act district constituted such before the passing of this Act, and having no part of its area situated within a borough or Local Government district.	The Improvement Commissioners.
Local Government district constituted such either before or after the passing of this Act, having no part of its area situated within a borough, and not coincident in area with a borough or Improvement Act district.	The Local Board.

For the purposes of this Act, the boroughs of Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, and Newport, Isle of Wight, shall not be deemed to be boroughs, and the borough of Cambridge shall be deemed to be an Improvement Act district, and the borough of Oxford to be included in the Local Government district of Oxford. The Cambridge Commissioners described in section thirty-one of the Public Health Act, 1848,<sup>1</sup> shall not exercise any

<sup>1</sup> 11 & 12 Vict. c. 63 (*supra*).

fresh powers of rating or borrowing conferred upon them A. D. 1872.  
by this Act until the expiration of one [year after the pass-  
ing thereof, unless with the assent of the University first  
specified in writing under the hand of the Vice-Chancellor,  
and with the assent of the Town Council of Cambridge; . . .

### 35 & 36 VICT. CHAPTER 94.

#### An Act for Regulating the Sale of Intoxicating Liquors. [10th August 1872.]

[The Act makes numerous regulations with regard to the sale of intoxicating liquors and houses licensed for the purpose.] Saving of certain privileges, rights, &c.

72. Nothing in this Act shall affect or apply to—

1. The privileges at the date of the passing of this Act enjoyed by any university in England, or the respective chancellors or scholars of the same, or their successors<sup>1</sup>;

[Section 75 repeals the enactments set forth in the Second Schedule, which include *inter alia* 32 & 33 Vict. c. 27. s. 22 (*supra*).]

### 36 & 37 VICT. CHAPTER 62.

#### An Act to amend section twenty-four of the Public A. D. 1873. Schools Act, 1868, with respect to the property of Eton College. [5th August 1873.]

**W**HEREAS by section twenty-four of the Public 31 & 32  
Vict.  
c. 118.  
Schools Act, 1868, it is provided that the new  
governing body of Eton may “submit to the special com-  
missioners, and if approved of by them lay a scheme or  
“schemes before Her Majesty in Council for dealing with

<sup>1</sup> As to the right of the Universities with respect to wine licences see note to  
32 & 33 Vict. c. 27. s. 20 (*supra*).

<sup>2</sup> *Supra*.

CH. 62] *Public Schools (Eton College [36 & 37 VICT.  
Property).*

A. D. 1873. "the estates of Eton College in such manner as to bring  
"the whole of them, so soon as it may be thought expedient,  
"into a system of being let at rackrent instead of being let  
"on leases renewable on payment of fines; and the said  
"governing body may in such scheme or schemes provide  
"for raising by mortgage of the college estates or any of  
"them" sums for the purposes therein mentioned; and it  
may be provided in such scheme that the amount of  
moneys to be raised by mortgage and the working of the  
scheme shall be subject to the control of such department  
of the Government, or persons appointed by a department  
of the Government, as may seem good to the special  
commissioners:

And whereas a scheme has been made under the said  
section, but by reason of the amount of the growing annual  
charge under such scheme on the income of the college the  
governing body will have no money at their disposal for  
the improvement of Eton School for some years to come:

And whereas with a view to the improvement of Eton  
School and the building of new buildings for the benefit  
of the school, and to the improvement and better manage-  
ment of the Eton College estates and the bringing them  
into a system of being let at rackrent instead of being let  
on leases renewable on payment of fines, it is expedient  
to extend in manner herein-after mentioned the provisions  
which can be made by a scheme under the said section:

Be it therefore enacted by the Queen's most Excellent  
Majesty, by and with the advice and consent of the Lords  
Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the authority of the same,  
as follows:

Short title. 1. This Act may be cited as the Public Schools (Eton  
College Property) Act, 1873.

Extension  
of sect. 24  
of 31 & 32  
Vict. c. 118.  
as to  
scheme for  
2. Any scheme or schemes under section twenty-four  
of the Public Schools Act, 1868, with reference to Eton  
College, may provide for the raising of money for all or  
any of the following purposes, namely:

36 & 37 VICT.] *Public Schools (Eton College Property).* [CH. 62

- (a.) To pay off any mortgage or debt charged on the college estates, or any part thereof, and  
 (b.) To effect in the college estates any improvement of land within the meaning of the Improvement of Land Act, 1864,<sup>1</sup> and  
 (c.) To effect improvements for the benefit of Eton College or School, and for that purpose to repair, improve, enlarge, and add to the buildings belong-

A. D. 1873.  
 dealing  
 with Eton  
 College  
 property.  
 27 & 28  
 Vict. c. 114.

<sup>1</sup> Section 9 of 27 & 28 Vict. c. 114, defines 'the Improvement of land' as follows:

9. By "the Improvement of Land" shall herein be meant all or any of the following Matters:

1. The Drainage of Land, and the straitening, widening, deepening, or otherwise improving the Drains, Streams, and Watercourses, of any Land :
2. The Irrigation and warping of Land :
3. The embanking and weiring of Land from the Sea or Tidal Waters, or from Lakes, Rivers, or Streams, in a permanent Manner :
4. The inclosing of Lands, and the straitening of Fences and Redivision of Fields :
5. The Reclamation of Land, including all Operations necessary thereto :
6. The making of permanent Farm Roads and permanent Tramways and Railways and navigable Canals for all Purposes connected with the Improvement of the Estate :
7. The clearing of the Land :
8. The Erection of Labourers Cottages, Farmhouses, and other Buildings required for Farm Purposes, and the Improvement of and Addition to Labourers Cottages, Farmhouses, and other Buildings for Farm Purposes already erected, so as such Improvements or Additions be of a permanent Nature :
9. Planting for Shelter.
10. The constructing or erecting of any Engine-houses, Waterwheels, Saw and other Mills, Kilns, Shafts, Wells, Ponds, Tanks, Reservoirs, Dams, Leads, Pipes, Conduits, Watercourses, Bridges, Weirs, Sluices, Floodgates, or Hatches, which will increase the Value of any Lands for agricultural Purposes.
11. The Construction or Improvement of Jetties or Landing Places on the Sea Coast, or on the Banks of navigable Rivers or Lakes, for the Transport of Cattle, Sheep, and other agricultural Stock and Produce, and of Lime, Manure, and other Articles and Things for agricultural Purposes; provided that the Commissioners shall be satisfied that such Works will add to the permanent Value of the Lands to be charged to an Extent equal to the Expense thereof:
12. The Execution of all such Works as in the Judgment of the Commissioners may be necessary for carrying into effect any Matter herein-before mentioned, or for deriving the full Benefit thereof.

CH. 62]      *Public Schools (Eton College*      [36 & 37 VICT.  
*Property).*

- A. D. 1873.      ing to Eton College or School, build new buildings,  
and purchase land, and  
(d.) To purchase the interest of any lessee under any  
lease for years, or for a life or lives in any part  
of the college estates.

Moreover, any scheme or schemes under the said section may provide for raising money for the purposes of the scheme (whether such purposes are mentioned in the said section or in this section), either wholly or partly, by sale (instead of by mortgage) from time to time of part of the college estates, or of any estate or interest therein belonging to the college, and may revoke or vary all or any part of any scheme previously made under the said section, whether before or after the passing of this Act, without prejudice to anything done or suffered under such scheme.

Provided that every such sale shall be subject to such control as is mentioned in section twenty-four of the Public Schools Act, 1868, or if the scheme make no provision for such control, to the consent of the Copyhold Commissioners.

All moneys arising from any sale or mortgage in pursuance of any such scheme may, until applied for the purposes of the scheme, be invested in Government securities in the name of the Provost and Fellows of Eton College, or in manner directed by the scheme.

Protection  
of pur-  
chaser.

3. Where the consent of the department of the Government, persons, or commissioners, to whose control or consent a sale in pursuance of any scheme under section twenty-four of the Public Schools Act, 1868, is subject, is given to any sale by the governing body of Eton College, the purchaser shall not be bound to inquire whether the sale is or is not within the powers or in accordance with the provisions of the scheme or this Act, and shall not be bound to inquire into the application of the purchase money, or be responsible for the misapplication or non-application thereof.

36 & 37 VICT. CHAPTER 73.

An Act to amend so much of section four of the A. D. 1873.  
Public Health Act, 1872, as relates to the Cam-  
bridge Commissioners. [5th August 1873.]

WHEREAS by the Public Health Act, 1872, it was 35 & 36  
Vict. c. 79  
s. 4.<sup>1</sup>  
enacted that the Cambridge Commissioners, de-  
scribed in section thirty-one of the Public Health Act,  
1848, should not exercise any fresh powers of rating or  
borrowing conferred upon them by the said Public Health  
Act, 1872, until the expiration of one year after the pass-  
ing thereof, unless with the assent of the university, first  
specified in writing under the hand of the vice-chancellor,  
and with the assent of the town council of Cambridge :

And whereas the relations between the said university of  
Cambridge and the said town council of Cambridge and  
the said Cambridge Commissioners are still under discus-  
sion, and terms of settlement have been proposed for  
consideration :

And whereas the powers of rating and the rating within  
the said university and borough are proposed to be varied :

And whereas in order to afford time for settling the  
questions affecting such rating it is advisable to postpone  
for a further limited period the exercise of the powers  
of rating and borrowing conferred by the said Public  
Health Act, 1872 :

Be it therefore enacted by the Queen's most Excellent  
Majesty, by and with the advice and consent of the Lords  
Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the authority of the same,  
as follows :

1. That the said Cambridge Commissioners shall not  
exercise any fresh powers of rating or borrowing conferred  
upon them by the Public Health Acts until the expiration  
of one year from the passing hereof, unless with the assent  
Limiting  
power of  
Cambridge  
Commis-  
sioners as  
to rating or  
borrowing.

<sup>1</sup> *Supra.*

A. D. 1873. of the said university, first specified in writing under the hand of the vice-chancellor, and with the assent of the town council of Cambridge.

36 & 37 VICT. CHAPTER 86.

An Act to amend the Elementary Education Act (1870), and for other purposes connected therewith.<sup>1</sup>  
[5th August 1873.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

Short title. 1. This Act may be cited as the Elementary Education Act, 1873; and this Act and the Elementary Education Act, 1870 (in this Act referred to as the principal Act), may be cited together as the Elementary Education Acts, 1870 and 1873.

33 & 34  
Vict. c. 75.<sup>2</sup>

*Elections.*

5. The orders and regulations of the Education Department mentioned in the first schedule to this Act, and all orders of the Education Department incorporating the said orders or regulations, so far as they so incorporate them, are hereby confirmed, and shall be deemed to have been duly made, and to have been within the powers contained in the principal Act, and shall continue in force until revoked or altered by any order made under the provisions of the principal Act as amended by this Act.

Confirma-  
tion of  
orders as  
to elec-  
tions, &c.

SCHEDULES.

1  
FIRST SCHEDULE.

*Orders and Regulations of the Education Department relating to Elections of and Applications for School Boards.*

<sup>2</sup> This Act was repealed, except as to London, by 2 Ed. 7. c. 42.

<sup>1</sup> *Supra.*

36 & 37 VICT.] *Elementary Education Act* [CH. 85  
(1870) *Amendment, &c.*

6th January 1871. Regulations for the first election of a school A. D. 1873.  
board for the district of the local board of  
Oxford.

• • • • •  
•  
•  
SECOND SCHEDULE.

*Rules respecting Election of Members of a School Board.*

(1.) [Empowers the Education Department to make regulations as  
to elections.]

• Provided as follows :

• • • • •  
(c) In a parish which is not situate in the city of London or  
in a borough, other than the borough of Oxford, the  
book containing the last rate made for such parish more  
than one month previously to any date shall be the  
register of the ratepayers entitled to vote in such parish  
at that date ; and every ratepayer whose name appears in  
such rate book shall be entitled to vote unless he is dis-  
qualified from voting, and no person shall be entitled to  
vote whose name does not so appear.

36 & 37 VICT. CHAPTER 87.

An Act to continue and amend the Endowed  
Schools Act, 1869. [5th August 1873.]

BE it enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords  
Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the authority of the same, as  
follows :

1. This Act shall be construed as one with the Endowed  
Schools Act, 1869 (in this Act referred to as the principal  
Act), and the principal Act and this Act may be cited  
together as the Endowed Schools Acts, 1869 and 1873, and  
this Act may be cited as the Endowed Schools Act, 1873.

Construc-  
tion of Act  
and short  
title.

32 & 33  
Vict. c. 56.<sup>1</sup>

18. Whenever according to the rules, regulations, statutes,  
Graduate  
of any uni-  
versity &c.

<sup>1</sup> *Supra.*



A. D. 1873. trusts, or constitution of any school, being an endowed school within the meaning of "The Endowed Schools Act, 1869," the United Kingdom, and with regard to which the Commissioners are thereby if otherwise fit, shall be empowered to make a new scheme, the head master or any held qualified where other master is required to be a graduate of some specified the statutes require the university or universities, a graduate of any university of the head master to be a qualification if it had been granted by one of the said graduate of Oxford or Cambridge, shall in future, if otherwise qualified, be eligible as such head master or other master.

37 & 38 VICT. CHAPTER 55.

A. D. 1874. An Act for dissolving Magdalen Hall, in the University of Oxford, and for incorporating the Principal, Fellows, and Scholars of Hertford College; and for vesting in such College the lands and other property now held in trust for the benefit of Magdalen Hall.

[7th August 1874.]

WHEREAS Hertford College in the University of Oxford was dissolved on the twenty-eighth day of June one thousand eight hundred and five:

56 G. 3. And whereas, in accordance with the provisions of an c. 95.<sup>1</sup> Act passed in the fifty-sixth year of the reign of His late Majesty King George the Third, intituled "An Act to authorise such person as His Majesty shall appoint to transfer a certain sum in Three Pounds per Cent. Reduced Annuities, now standing in the name of the dissolved College of Hertford, in the University of Oxford, and also to receive dividends due upon such annuities," and of another 56 G. 3. Act passed in the same year, intituled "An Act to enable c. 136.<sup>2</sup> His Majesty to grant certain lands, tenements, and heredita-

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

"ments escheated and devolved to His Majesty by the dissolution of Hertford College, in the University of Oxford, and the site of the said College and buildings thereon, to the Chancellor, Masters, and Scholars of the said University, in trust for the Principal and other members of Magdalen Hall for the purpose of their removing to such site, and to enable the said Chancellor, Masters, and Scholars of the said University, and the President and Scholars of Saint Mary Magdalen College to do all necessary acts for such removal," the land constituting the site of the said Hertford College, together with all other the real and personal property of which the said Hertford College was seised and possessed at the time of its dissolution, was granted, conveyed, and transferred to the Chancellor, Masters, and Scholars of the University of Oxford, in trust for the Principal and other members of Magdalen Hall in the same University, their successors and assigns, for ever : A. D. 1874.

And whereas Magdalen Hall now consists of a Principal, (namely, the Reverend Richard Michell, Doctor in Divinity,) ten Scholars, and certain Graduate and eighty-five Undergraduate Members, and is or claims to be equitably entitled (besides the land and property aforesaid) to other real and personal property of considerable value, now vested in trustees upon various trusts for the benefit of the said Principal and Scholars :

And whereas the Reverend Robert Gandell, M.A., of Magdalen Hall, Laudian Professor of Arabic in the University of Oxford, and the Reverend George Sturton Ward, M.A., of Magdalen Hall, have been appointed to, and have agreed to accept unendowed fellowships in the said College :

And whereas a sum of thirty thousand pounds has been transferred into and is now standing in the name of the present Chancellor of the University of Oxford, upon trust immediately after the passing of this Act to transfer the same into the name of the collegiate body to be hereby incorporated, for the endowment of Fellowships in the said body, and Francis Henry Jeune and Montague Johnstone

A. D. 1874. Muir Mackenzie have been appointed the first holders of two of such Fellowships :

And whereas it will conduce to the advancement of public learning and the welfare of the members of Magdalen Hall that a collegiate body, to be known by the name of Hertford College, should be created and incorporated as a College of the University of Oxford, and that the property of Magdalen Hall should be transferred to and vested in such College, and that the provisions herein-after contained should be made for that purpose :

And whereas the Chancellor, Masters, and Scholars of the University of Oxford, in convocation assembled, at a convocation holden on the second day of June one thousand eight hundred and seventy-four, have given their assent to the dissolution of Magdalen Hall, and to the incorporation of Hertford College, and to the transferring and vesting in such College the lands and property now held in trust for Magdalen Hall :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited for all purposes as The Hertford College Act, 1874.

Dissolution of Magdalen Hall and creation of Hertford College. 2. Magdalen Hall is hereby dissolved, and the said Reverend Richard Michell, D.D., the Reverend Robert Gandell, the Reverend George Sturton Ward, Francis Henry Jetne, and Montague Johnstone Muir Mackenzie, and the several persons who immediately before the passing of this Act were Scholars in Magdalen Hall (and all persons who shall hereafter be duly appointed to be Fellows and Scholars respectively of, or in the College hereby created, and their respective successors as Principal, Fellows, and Scholars respectively of or in the said college,) are and shall be incorporated into one body corporate, collegiate, and politic, under the name of "The Principal, Fellows, and Scholars of Hertford College, in the University of Oxford,"

and as such shall have perpetual succession and a common seal, and by that name may sue and be sued, and may purchase, take, hold, and dispose of lands and other property, either absolutely or subject to any trusts, and shall for all purposes be a college of the University of Oxford, and shall possess, exercise, and enjoy all such rights and privileges as are possessed or enjoyed, or can be exercised by other Colleges in the University of Oxford: Provided nevertheless, that up to and until the year 1889, at any election of Proctors by the Halls in the said University, the members of Hertford College shall be entitled to vote as if they were members of a Hall in the said University.

3. All lands, messuages, tenements, and hereditaments, and all rentcharges, sums of money, stocks, funds, and other securities, together with all dividends due or accruing thereon, and all other property whatsoever, of or to which any person or persons or any corporation or corporations, whether sole or aggregate, was or were immediately before the passing of this Act seised or possessed, or otherwise entitled upon any trust for Magdalen Hall aforesaid, or for the Principal or any of the Scholars thereof as such, shall immediately upon the passing of this Act vest absolutely in the Principal, Fellows, and Scholars of Hertford College, in the University of Oxford, and shall thenceforth be held, possessed, and enjoyed by them, their successors and assigns, for the same estates and under the same titles for and under which the same are now held, and upon the same trusts and for the same intents and purposes, and subject to the same rents, conditions, encumbrances (if any), powers, and provisions upon, for, and subject to which the same would now be held if in the several instruments by virtue of which the same are now held respectively, the name of Hertford College had been inserted instead of that of Magdalen Hall, or the Principal, Fellows, and Scholars thereof, as the case may be, had been named instead of Magdalen Hall, or the Principal and Scholars thereof; and the Principal, Fellows, and Scholars of Hertford College shall be and are hereby authorised to give full and sufficient receipts for all moneys

Transfer of  
property  
from trus-  
tees to  
Hertford  
College.

A. D. 1874. paid to them in respect of the future rents and profits of the said lands and every part thereof, and in respect of the said rentcharges and the dividends or annual proceeds of the said stocks, funds, and other securities; and such receipts shall be in all respects effectual and binding.

Members of  
Magdalen  
Hall to  
become  
members of  
Hertford  
College.

4. All persons who immediately before the passing of this Act were members of Magdalen Hall, or held any office of honour or emolument therein, shall, immediately on the passing of this Act, become and be members of, or, as the case may require, holders of the like offices in Hertford College, and shall (subject to any alterations which may hereafter be made by or according to the provisions of the statutes for the time being of the said College) be entitled to and have the like rights, privileges, honours, and emoluments respectively, and shall be subject to the like rules and regulations, and shall hold their respective offices in the said College upon the like terms as they would respectively have been subject to and would have held office in the said Hall if the same continued to exist unaffected by this Act.

Power to  
make  
statutes.

5. Subject to any Act for the time being in force for the government of the said University or of the Colleges therein, the Principal and Fellows for the time being of the said College may from time to time make, rescind, and vary such regulations, ordinances, and statutes for the government of the said College and the good discipline thereof, and the election of the Fellows and Scholars thereof as to them shall seem meet: Provided that no such regulations, ordinances, or statutes shall alter the trusts, intents, purposes, conditions, powers, or provisions mentioned in the third section of this Act, or shall have any effect until the same have been confirmed by the Chancellor of the said University as visitor of the College, and shall also have received the approbation of Her Majesty, to be signified by an Order in Council, and forthwith published in the London Gazette, and shall have been laid before Parliament.

Prepara-  
tion of  
statutes.

6. Statutes for the purposes above mentioned made by

the Principal and Fellows of the said College shall, after A. D. 1874. they shall have been confirmed by the Chancellor as aforesaid, be submitted for the approval of Her Majesty in Council, and it shall be lawful for Her Majesty in Council to alter and amend the same; and in case statutes are not so made and submitted on or before the first day of March one thousand eight hundred and seventy-six, it shall be lawful for Her Majesty in Council to cause statutes to be prepared for the said purposes, and any such last-mentioned statutes shall be forthwith published in the London Gazette, and at the same time laid before both Houses of Parliament if Parliament be then sitting, or if not, then within three weeks after the commencement of the next ensuing session of Parliament; and unless an address is within forty days presented by one or other of the said Houses, praying Her Majesty to withhold Her consent from such statutes, or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare Her approbation of the same, and such statutes shall thereupon have effect as if they had been statutes made by the said Principal and Fellows, and confirmed by the said Chancellor, and approved by Her Majesty in Council.

7. The said Principal, Fellows, and Scholars may from time to time accept, hold, and enjoy such gifts and endowments as may be made to them for the endowment, improvement, establishment, or maintenance of the Principalship, Fellowships, Professorships, Tutorships, Lectureships, or Scholarships within the said College, or for any other lawful purpose, upon such terms and conditions as may, with the sanction of the Chancellor of the said University, be agreed on between them and the respective donors.<sup>1</sup> Power to accept endowments.

<sup>1</sup> In the case of *The Queen v. Hertford College* (2 Q. B. D. 590, 3 Q. B. D. 693) it was held by the Court of Appeal, reversing the decision of a Divisional Court, that the College could lawfully accept under s. 7, and apply in accordance with the terms imposed by the donor, an endowment given after the passing of this Act for a fellowship open only to members of certain specified churches. In the court below it had been held by Mellor, J., that Hertford College was so identified with Magdalen Hall as to be a college subsisting at

A. D. 1874-

Saving  
rights of  
Chancellor  
of the  
University.

8. The Principal of Hertford College shall, when and as often as a vacancy shall occur, be appointed by the Chancellor for the time being of the University of Oxford, and the Chancellor for the time being of the said University shall continue to have and exercise with respect to Hertford College all such rights and privileges, both as visitor and otherwise, as he has hitherto had and exercised with respect to Magdalen Hall aforesaid.

Saving  
rights of  
the Uni-  
versity.

9. Except as by this Act expressly provided, nothing in this Act contained shall take away, diminish, or impede the exercise of any privilege or right whatever of the said University, or of any of the magistrates, officers, ministers, or servants thereunto belonging and now existing, and the said University, their magistrates, officers, members, or servants, shall have and exercise all such and the same privileges and rights in and over the said Hertford College as they are entitled to exercise in or over other Colleges of the said University.

Actions  
and other  
proceed-  
ings not  
to abate.

10. No action, suit, or other proceeding, whether at law or in equity, commenced before the passing of this Act and then pending, by or against the Principal, Scholars, or other members of the said Hall, or any of them, shall abate, determine, or be otherwise impeached or affected by the passing of this Act, but every such action, suit, or other proceeding may be continued by or against the said Principal, Fellows, and Scholars of Hertford College as though they had been originally named therein; and any notice, fine, requisition, warrant, summons, pleading, writ, or other process, record, deed, contract, agreement, writing, or instrument made, issued, written, or commenced at the time of the passing of this Act shall be as valid and effectual for, against, and with relation to the said Principal, Fellows, and Scholars of Hertford College as though the same

the time of the passing of The Universities Tests Act, 1871 (34 Vict. c. 26 (*supra*)), and therefore prohibited from requiring candidates for its fellowships to satisfy any religious test; and by Lush, J., the other member of the court, that the effect of s. 13 of this Act was to put the College in the same position as if it had been a subsisting college when The Universities Tests Act was passed.

Principal, Fellows, and Scholars had been named therein A. D. 1874.  
instead of the Principal, Scholars, or other members of  
Magdalen Hall.

11. Notwithstanding the provisions of this Act every-  
thing before the passing thereof done, suffered, or confirmed General saving of rights.  
by or on behalf of the Principal and other members of the  
said Hall, or any of them, shall be as valid as if this Act  
were not passed, and the passing of this Act shall not  
prejudice anything so done, suffered, or confirmed before  
the passing thereof, or any rights, liabilities, claims, or  
demands, present or future, which if this Act had not  
been passed would be incident to or consequent on anything  
so done, suffered, or confirmed.

12. All deeds, wills, instruments, purchases, sales, and  
contracts made before the passing of this Act in which the Validity of deeds and instruments preserved.  
Principal and members of Magdalen Hall aforesaid, or any  
of them, are named shall be as effectual to all intents and  
purposes in favour of or against and with respect to the  
Principal, Fellows, and Scholars of Hertford College as if  
they respectively had been named therein instead of the  
Principal and Scholars or other members, as the case may  
be. of Magdalen Hall, and as if the words Hertford College  
had been inserted therein instead of Magdalen Hall.

13. Nothing in this Act contained shall be construed to Not to repeal provisions of 34 & 35 Vict. c. 26.  
repeal any of the provisions of the "University Tests Act,  
1871."<sup>1</sup>

### 38 & 39 VICT. CHAPTER 55.

An Act for consolidating and amending the Acts A. D. 1875.  
relating to Public Health in England.

[11th August 1875.]

**B**E it enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords  
Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the authority of the same, as  
follows :

<sup>1</sup> See as to the effect of this section note to s. 7.

*Supra.*



A. D. 1875.

## PART I.

*Preliminary.*

Short title. 1. This Act may be cited as The Public Health Act, 1875.

## PART II.

## AUTHORITIES FOR EXECUTION OF ACT.

## CONSTITUTION OF DISTRICTS AND AUTHORITIES.

Urban and rural sanitary districts. 5. For the purposes of this Act England, except the Metropolis, shall consist of districts to be called, respectively—

(1.) Urban sanitary districts, and

(2.) Rural sanitary districts,

(in this Act referred to as urban and rural districts); and such urban and rural districts shall respectively be subject to the jurisdiction of local authorities, called urban sanitary authorities and rural sanitary authorities (in this Act referred to as urban and rural authorities), invested with the powers in this Act mentioned.

Description of urban districts and urban authorities. 6. Urban districts shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban authorities shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

Urban district.	Urban authority.
Borough constituted such either before or after the passing of this Act.	The Mayor, Aldermen, and Burgesses acting by the Council.
Improvement Act district constituted such before the passing of this Act, and having no part of its area situated within a borough or local government district.	The Improvement Commissioners.
Local government district constituted such either before or after the passing of this Act, having no part of its area situated within a borough, and not coincident in area with a borough or Improvement Act district.	The Local Board.

For the purposes of this Act, the boroughs of Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, and Newport Isle of Wight, shall not be deemed to be boroughs, and the borough of Cambridge shall be deemed to be an Improvement Act district, and the borough of Oxford to be included in the Local Government district of Oxford.<sup>1</sup> A. D. 1875.

67. In the Oxford or Cambridge district the local authority may supply water to any hall college or premises of the university within such district, on such terms with respect to the mode of paying for such supply as may from time to time be agreed on between such university, or any hall or college thereof, and the local authority. Agreements with universities.

228. Nothing in this Act shall be deemed to alter or interfere with any liability existing at the time of the passing of this Act of the Universities of Oxford and Cambridge respectively to contribute towards the expenses of paving and pitching repairing lighting and cleansing under the powers of any local Act under which the Oxford and Cambridge Commissioners respectively act, the several streets and places within the jurisdiction of such Commissioners respectively. Quota of rates to be paid by the Universities, &c.

If any difference arises between either of the said universities and the urban authority with respect to the proportion and manner in which the university shall contribute towards any expenses under this Act, and to which the university is not liable under any such local Act, the same shall be settled by arbitration in manner provided by this Act.<sup>2</sup>

<sup>1</sup> The Oxford Local Board, constituted by s. 342 of this Act, and the Cambridge Improvement Commissioners, who under this section became the Urban Sanitary Authorities for the Oxford and Cambridge Districts, were abolished and their powers transferred to the Corporations of the City of Oxford and Borough of Cambridge respectively by the Oxford Order, 1889, confirmed by 52 & 53 Vict. c. xv (*infra*), and the Cambridge Order, 1889, confirmed by 52 & 53 Vict. c. xvi (*infra*).

<sup>2</sup> Sections 179-181 prescribe the manner in which disputes may be referred to arbitration, and regulate the procedure thereon.

A. D. 1875. All rates, contributions, and sums of money which may become payable under this Act by the said universities respectively, and their respective halls and colleges, may be recovered from such universities halls and colleges in the same manner in all respects as rates contributions and sums of money may now be recovered from them by virtue of any such local Act.

*Oxford.*

Constitu-  
tion of  
local board  
of the  
Oxford  
district.

342. The local government district of Oxford shall be subject to the jurisdiction of a local board consisting of the vice-chancellor of the university of Oxford and the mayor of Oxford for the time being, of forty-five other members, fifteen to be elected by the university of Oxford, sixteen by the town council of Oxford, and fourteen by the rate-payers of the parishes situated within the area formerly within the jurisdiction of the commissioners, for amending certain mileways leading to Oxford, and making improvements in the university and city of Oxford, the suburbs thereof and the adjoining parish of Saint Clement, and of the members for any parishes or parts of parishes which may have been or may hereafter be added to the Oxford district.

After the passing of this Act, a district formed out of the rural sanitary districts of the city of Oxford, and the Abingdon union, to be termed the "Grandpont district," shall be defined by an order of the Local Government Board, and on a day to be mentioned in such order, the said district shall form part of the said local government district of Oxford. The election of members of the said local board by the town council and by the ratepayers of the parishes and parts of parishes respectively shall be conducted at the same time, in the same way, and subject to the same regulations in and subject to which such election is conducted at the time of the passing of this Act.

As regards the district of Cowley now comprised in the

said local government district of Oxford, and the district of Grandpont when added to the same district, the chairman of the said local board or, in his absence, the clerk to the local board, shall summon a meeting of the several persons rated to the relief of the poor in respect of hereditaments situated in the said Cowley and Grandpont districts respectively, by public notices under his hand, to be affixed three clear days previously to the principal doors of every church and chapel in the districts, such meeting to be held on the day when the members for the parishes are elected, and at a place in each such district to be fixed by the chairman or clerk, and the appointment of a chairman and all other the business of such meetings shall be conducted as if the meetings respectively were the meetings of a vestry in a parish.

An election of the member for the Grandpont district shall take place as soon as convenient after that district has been added to the Oxford local government district as aforesaid, and he shall continue in office until the next annual election of the said local board.

The fifteen members to be elected by the university shall be elected as follows; namely, four members shall be elected by the university in convocation, and eleven members shall be elected by the heads and senior resident bursars of the several colleges entitled by any statute of the university or otherwise to matriculate students, and by the heads of the several halls; any member of the university, being of the degree of Master of Arts, Bachelor of Civil Law, or Bachelor in Medicine, or any superior degree of the university, shall be qualified to be elected; and the elections shall be conducted by the said university, and by the colleges and halls respectively, at the same time, and in the same way, and subject to the same regulations, in and subject to which guardians of the poor for the university and for the colleges and halls are now or may hereafter be chosen by them respectively, save that in the election of members the heads and bursars of all the colleges and the heads of all the halls shall be summoned

A. D. 1875. by the vice-chancellor for that purpose, and shall be entitled to vote.

Except as above provided, nothing in this Act shall affect the provisions of any order confirmed by Parliament relating to the local government district of Oxford, and in force at the time of the passing of this Act.<sup>1</sup>

[Section 343 repeals the Acts specified in the first and second parts of Schedule V. to the extent mentioned in the third column of the Schedule and subject to the usual savings for the past operation of the repealed Acts.]

## SCHEDULES.

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### SCHEDULE I.

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#### RULES AS TO MEETINGS AND PROCEEDINGS.

##### (1.) *Rules applicable to Local Boards.*

13. Nothing in these rules contained with respect to the appointment of chairman shall apply to the Oxford district, and in that district a chairman shall be appointed as heretofore.

### SCHEDULE II.

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#### (1.) RULES FOR ELECTION OF LOCAL BOARDS.

##### *Oxford.*

75. Nothing in the rules in this schedule shall apply to the local government district of Oxford.

<sup>1</sup> See note to s. 6.

## SCHEDULE V.

A. D. 1875.

## PART I.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
11 & 12 Vict. c. 63. <sup>1</sup>	The Public Health Act, 1848.	The whole Act.
21 & 22 Vict. c. 98. <sup>2</sup>	The Local Government Act, 1858.	The whole Act.
35 & 36 Vict. c. 79. <sup>3</sup>	The Public Health Act, 1872	The whole Act, except so far as relates to the Metropolis.

## 38 &amp; 39 VICT. CHAPTER 84.

An Act to regulate the Expenses and to control the Charges of Returning Officers at Parliamentary Elections. [13th August 1875.]

8. Nothing in this Act shall apply to an election for any university or combination of universities.

Saving of the universities.

## 38 VICT. CHAPTER xli.

An Act for better enabling the Mayor, Aldermen, and Citizens of Oxford to supply Oxford and other places with Water.<sup>4</sup> [14th June 1875.]

[This Act, 'The Oxford (Corporation) Waterworks Act, 1875,' recites that the City of Oxford had been for

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

<sup>3</sup> *Supra.*

<sup>4</sup> The powers conferred by this Act are extended by 48 & 49 Vict. c. xxiv (*infra*). Section 34 of that Act is a *verbatim* repetition of s. 42 of this Act.

Ch. xli] *The Oxford (Corporation) Waterworks* [38 VICT.  
*Act, 1875.*

A. D. 1875.      upwards of sixty years supplied with water by means  
of waterworks constructed by and the property of the  
City Corporation, and that larger powers were required.  
These the Act proceeds to grant.]

Saving the  
rights of  
the Chan-  
cellor,  
masters,  
and  
scholars,  
&c.      42. Saving always to the Chancellor, masters, and  
scholars, of the University of Oxford, and to all persons  
matriculated therein or being members thereof, their rights  
and privileges of civil and criminal judicature and trial  
in the courts of the said university alone, as the same have  
been granted by the charters of the said university and  
confirmed by divers Acts of Parliament; and saving  
always to the Chancellor, masters, and scholars of the  
said university, and their successors, the several bodies  
politic, corporate, collegiate, or sole of the said university,  
and their successors, their respective rights, privileges, and  
franchises.

38 & 39 VICT. CHAPTER clxviii.

An Act to confirm certain Provisional Orders made  
by the Local Government Board under the Poor  
Law Amendment Act, 1867, with reference to  
the City of Oxford, the Parish of Stoke-upon-  
Trent, and the Parishes of Sutton Saint Michael  
and Sutton Saint Nicholas in the County of  
Hereford. [2d August 1875.]

WHEREAS the Local Government Board have made  
the Provisional Orders set forth in the Schedule  
hereto annexed under the provisions of the Poor Law  
Amendment Act, 1867,<sup>1</sup> and the several other Statutes in  
that behalf, with reference to the city of Oxford, the parish  
of Stoke-upon-Trent, and the parishes of Sutton Saint  
Michael and Sutton Saint Nicholas in the county of Here-  
ford; and whereas it is requisite that the said Orders should  
be confirmed by Parliament, and that the provisions herein

<sup>1</sup> 30 & 31 Vict. c. 106.

38 & 39 VICT.] *Local Government Board's* [Ch. clxviii  
*Poor Law Provisional Orders Confirmation*  
*(Oxford, &c.) Act, 1875.*

contained should be enacted in reference to the city of A. D. 1875.  
Oxford:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Orders set out in the Schedule hereto annexed shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force. The Provisional Orders in Schedule confirmed.

2. As regards the city of Oxford the following provisions shall take effect after the passing of this Act; (that is to say,) Special provision in reference to the city of Oxford.

(1.) Christ Church College, in the University of Oxford, shall, for all the purposes of the said Order and this Act, be deemed to be one of the colleges of the said university:

(2.) Such of the provisions of the Local Act in the said Order recited, as altered by the said Provisional Order, and of the Acts or parts of Acts thereby incorporated with the said Local Act, as relate to or affect the valuation, rating, or assessment of property within the University of Oxford, and the colleges and halls mentioned in the said Local Act, shall extend and apply to all rateable property within the city of Oxford for the time being belonging to the said university or any of the said colleges and halls for any freehold or copyhold estate, or for any leasehold estate under a lease whereby the same shall have been demised for a term of not less than forty years, which shall for the time being be in the occupation of the said university or any of the said colleges and halls, or in the occupation of any professor in the said university, or of the head or any member of any of the said colleges and halls, or of any officer of



Ch. clxviii]      *Local Government Board's* [38 & 39 VICT.  
*Poor Law Provisional Orders Confirmation*  
*(Oxford, &c.) Act, 1875.*

A. D. 1875.

or person employed by the said university, or any of the said colleges and halls, in right or by virtue of his professorship, headship, membership, office, or employment, as the case may be, whether such property did or did not belong to the said university or to any of the said colleges and halls, and whether such property was or was not in such occupation as aforesaid at the time of the passing of the said Local Act. And all such property shall be deemed to form part of the parish mentioned in section twelve of the said Provisional Order, and of no other parish :

- (3.) Every appeal, whether by the person or corporation rated, or by any other person or corporation, in respect of any assessment or rate made upon or in respect of any of the property mentioned in the last preceding clause, shall be brought to the court of quarter sessions of the city of Oxford, and to no other court :
- (4.) All the land and buildings within the said university which are now by law exempted from being rated to the relief of the poor shall, from and after the passing of this Act, be rateable to the relief of the poor in the same manner as other rateable property within the said university<sup>1</sup> :
- (5.) The said Local Act and the said Provisional Order, and this Act, shall be construed and take effect in the same manner as if the name of Hertford College had been inserted in the preamble of the said Local Act instead of the name of the Hall of Saint Mary Magdalene.

Short title  
of the Act.

3. This Act may be cited as The Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) Act, 1875.

<sup>1</sup> As to the previous exemption of certain buildings see 17 & 18 Vict. c. ccxix. s. 31 and note thereto (*supra*). They were liable under 28 & 29 Vict. c. 108. s. 8 to the General District rate levied by the Local Board.

38 & 39 VICT.] *Local Government Board's* [Ch. clxviii  
*Poor Law Provisional Orders Confirmation*  
*(Oxford, &c.) Act, 1875.*

SCHEDULE.

A. D. 1875.

CITY OF OXFORD.

*Provisional Order for Alteration of Local Act.*

To the Guardians of the Poor within the City of Oxford ;—

To the Vice-Chancellor of the University of Oxford ;—

To the Churchwardens and Overseers of the Poor of the several Parishes in the said City ;—

And to all others whom it may concern.

WHEREAS, by "The Poor Law Amendment Act, 1867," it was (among other things) enacted as follows ; that is to say, "Where in any Union or Parish not being within the Metropolis as defined by the Metropolitan Poor Act, 1867, the relief of the Poor, or the making and levying of the Poor Rate, is subject to the Control or Regulation of any Local Act, it shall be competent for the Guardians of such Union or Parish having Powers to exercise or Duties to discharge under such Act to apply to the Poor Law Board to issue an Order to repeal the whole or any part of such Local Act, or to alter the same, such application having been agreed to by the majority, at two successive meetings of the said Guardians, and being forwarded in writing under the Hand of the presiding Chairman of the second of such meetings to the said Board ; and the said Board may, if after due inquiry they shall deem it expedient, make and issue a Provisional Order for such repeal or alteration, and shall take all necessary steps for the confirmation of such Order by Act of Parliament, but previously to such confirmation the said Order shall not be of any validity whatever ; and every Act of Parliament confirming such Order shall be deemed a Public General Act ;"<sup>1</sup>

And whereas the powers of the Poor Law Board have, by "The Local Government Board Act, 1871,"<sup>2</sup> been transferred to and are now vested in the Local Government Board ;

And whereas a Local Act was passed in the seventeenth and eighteenth years of the reign of Her present Majesty Queen Victoria, intituled "An Act to repeal an Act for

<sup>1</sup> 30 & 31 Vict. c. 106. s. 2.

<sup>2</sup> 34 & 35 Vict. c. 70.

Ch. clxviii] *Local Government Board's* [38 & 39 VICT.  
*Poor Law Provisional Orders Confirmation*  
*(Oxford, &c.) Act, 1875.*

A. D. 1875. "better regulating the Poor within the City of Oxford,' and  
 "to grant more effectual powers in lieu thereof, and also to  
 "provide for rating to the relief of the Poor certain heredita-  
 "ments within the University of Oxford;"<sup>1</sup>

And whereas by the said Local Act the persons elected  
 and appointed in accordance with the provisions thereof,  
 were declared to be incorporated under the name of "The  
 "Guardians of the Poor within the City of Oxford," and were  
 constituted a Board of Guardians to govern, employ,  
 manage, regulate, support, and maintain the Poor of the  
 Parishes within the City of Oxford, and as such are  
 Guardians within the meaning of the Act first above-  
 recited;

And whereas the following Resolutions were agreed to by  
 the majority at two successive meetings of the Guardians of  
 the Poor within the City of Oxford held on the Tenth and  
 Seventeenth days of December One thousand eight hundred  
 and seventy-four; viz.,

"That an application be forthwith made, under the  
 "provisions of the Act 30 and 31 Vict. cap. 106., to  
 "the Local Government Board for a Provisional  
 "Order for the amendment of the Oxford Poor Rate  
 "Act, in the particulars following:—

"(1.) By the establishment of an Assessment Com-  
 "mittee in the Incorporation with the powers  
 "of such Committees, under the Act 25 and  
 "26 Vict. cap. 103., and subsequent Acts, such  
 "Committee to consist of ten members elected  
 "by the Board. Four of the members of the  
 "Committee to be chosen from among the  
 "Guardians returned to represent the Uni-  
 "versity, the Colleges, the Halls, and Christ  
 "Church; three from among the Guardians  
 "elected by the Parishes; and three from  
 "among the Mayor and Aldermen of the City.  
 "The appointment of the Committee to take  
 "place annually at the first meeting of the  
 "Board after the day fixed for the new  
 "elections of Guardians.

"(2.) By the repeal or amendment of such sections  
 "or parts of sections of the Local Act as pro-  
 "vide for the revaluation from time to time  
 "of the rateable property of the University,

<sup>1</sup> 17 & 18 Vict. c. cccix (*supra*).

38 & 39 VICT.] *Local Government Board's* [Ch. clxviii  
*Poor Law Provisional Orders Confirmation*  
*(Oxford, &c.) Act, 1875.*

"the Colleges, and Halls, and the Parishes; A. D. 1875.  
 "and instead of such provisions, the Vice-  
 "Chancellor of the University and the Over-  
 "seers of the Parishes to have the power and  
 "be liable to the performance of the duties in  
 "this respect which Overseers possess or are  
 "liable to, under the Union Assessment Com-  
 "mittee Act, 1862,<sup>1</sup> and other Acts.

"(3.) By a provision empowering the Vice-Chan-  
 "cellor of the University, in order to enable  
 "him in all respects conveniently to fulfil the  
 "requirements of the last-mentioned Acts, to  
 "appoint, whenever he may think fit, a person  
 "to be his Assistant or Deputy, such person,  
 "when so acting, to have the legal position of  
 "an Overseer of a Parish, in so far as regards  
 "the rateable property of the University, and  
 "of the Colleges, Halls, and Christ Church.

"(4.) By the repeal or amendment of so much of  
 "the Local Act and of an Order of the late  
 "Poor Law Board as provides for the appoint-  
 "ment of a Delegacy of Appeals in cases of  
 "Poor Rates for the University, the Colleges  
 "and Halls, and Christ Church, and by the  
 "substitution for such Delegacy of the Court  
 "of the Recorder of the City of Oxford in  
 "Quarter Sessions.

"(5.) By the substitution in respect of the Liberty  
 "of Grandpont, of the jurisdiction of the  
 "Justices, and the Special and Quarter  
 "Sessions of the City of Oxford for that of  
 "the Magistrates and Sessions of the County  
 "of Berks.

"(6.) By the amendment of the sections 3, 4, 6, 18  
 "of the Local Act which relate to the election  
 "of the Guardians with a view to a more  
 "distinct definition of the time at which the  
 "Board, after the annual election of Guar-  
 "dians, is legally constituted.

"(7.) By the introduction into the 7th section of  
 "the Local Act of a provision for the supply  
 "of vacancies occasioned by death or other-  
 "wise among the Guardians chosen to repre-

<sup>1</sup> 25 & 26 Vict. c. 103.

Ch. clxviii] *Local Government Board's* [38 & 39 VICT.  
*Poor Law Provisional Orders Confirmation*  
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A. D. 1875.

"sent the University, the Colleges, Halls, and  
"Christ Church.

"(8.) By reducing the period of limitations of  
"actions appointed under the 55th section of  
"the Local Act from two years to six months."

And whereas the following resolution was agreed to by  
the majority at two successive meetings of the said Guardians  
held on the Fourteenth and Twenty-first days of January  
One thousand eight hundred and seventy-five, viz. :—

"That the Local Act be amended by altering the 12th  
"section thereof so as to enable three members of  
"the Board to hold a court for the purposes of the  
"Act instead of five members as therein provided."

And whereas the said Guardians have made application  
to the Local Government Board by writing, under the hands  
of the presiding chairmen of the second of such meetings  
respectively, in conformity with the resolutions respectively :

Now therefore, We, the Local Government Board, having  
duly considered the said application, and in pursuance of  
the powers given by the Statutes in that behalf, do hereby  
Order that from and after the Twenty-ninth day of  
September next following the date of the Act of Parliament  
confirming this Order the following provisions shall take  
effect ; viz. :—

I.—The provision in Section 3 of the said Local Act  
which requires that the Guardians for the Colleges and Halls  
when elected may continue to act and be Guardians until  
the Twenty-fifth day of March next ensuing their election  
shall be altered, and such Guardians henceforth shall con-  
tinue to act and be Guardians until the Fifteenth day of  
April inclusive in each year, notwithstanding their successors  
may have been elected previously to that day ; and from and  
after the said Fifteenth day of April, every Guardian newly  
elected for any such Colleges and Halls shall act as such  
Guardian for the ensuing year.

II.—The 4th Section of the said Act shall henceforth be  
subject to the following proviso ; that is to say,—Provided  
that if any person elected under the provisions of this and  
the last preceding section shall die, or resign, or refuse to  
act as such Guardian, or shall become disqualified during  
the year for which he shall have been elected, or in case the  
full number of Guardians shall not be elected at the annual  
election, the persons entitled to vote for the election of  
a Guardian, for the University, or the Colleges and Halls

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*Poor Law Provisional Orders Confirmation*  
*(Oxford, &c.) Act, 1875.*

for which such vacancy has occurred, may elect a qualified A. D. 1875.  
 person to supply the vacancy until the Fifteenth day of  
 April inclusive next following.

III.—The provision in Section 6 of the said Act which  
 requires that the Guardian elected for a Parish may serve  
 as Guardian and represent the said Parish at the Board of  
 Guardians until the Twenty-fifth day of March in the next  
 following year, and from thence until another shall be  
 elected in his stead, shall be altered, and such Guardian  
 may serve as such Guardian and represent such Parish as  
 aforesaid until the Fifteenth day of April inclusive in each  
 year, notwithstanding his successor may have been elected  
 previously to that day; and from and after the said Fifteenth  
 day of April every Guardian newly elected for any such  
 Parish shall act as such Guardian for the ensuing year.

IV.—In the event of an election of a Guardian to supply  
 a vacancy provided for in Section 7 of the said Act, the  
 vacancy shall be supplied until the Fifteenth day of April  
 next following, instead of until the Twenty-fifth day of  
 March next following, and from thence until some other  
 person shall be elected as set forth in the said Section.

V.—Three Guardians shall be sufficient to form a court  
 under the provisions of Section 12 of the said Local Act  
 instead of five as therein mentioned.

VI.—The Chairman and Vice-Chairmen to be elected  
 under Section 18 of the Local Act shall, subject to the  
 provisions in that section contained, continue in their  
 respective offices and hold the same until the Fifteenth day  
 of April inclusive next following each election of Guardians,  
 or until they shall resign their respective offices.

VII.—The said Guardians shall, within one month after  
 the said Twenty-ninth day of September, and thenceforth  
 at their first meeting after the Fifteenth day of April in  
 each year, appoint from among themselves ten persons, to  
 be called the Assessment Committee (herein called "the  
 Committee"), for the investigation and supervision of the  
 valuations to be made within the City of Oxford, and for  
 the performance of such other acts and duties as devolve  
 upon an Assessment Committee under the provisions of the  
 Union Assessment Committee Act, 1862, and the Union  
 Assessment Committee Amendment Act, 1864,<sup>1</sup> and the  
 Poor Law Amendment Act, 1868,<sup>2</sup> herein mentioned.

<sup>1</sup> 27 & 28 Vict. c. 39.

<sup>2</sup> 31 & 32 Vict. c. 122.

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A. D. 1875.      VIII.—Four members of the Committee shall be chosen from among the Guardians representing the University, and the Colleges and Halls, three members from among the Guardians for the City, and the remaining three members from among the Guardians representing the Parishes in the said City ; and every vacancy which shall occur among such members by death, resignation, disqualification, or otherwise, shall be filled up according to the class in which it may occur, in like manner as that in which the member causing the vacancy was chosen.

IX.—Sections 29, 30, and 37 of the said Local Act shall be hereby repealed.

X.—Sections 4 to 28, 31 to 35, 37 to 44, (all inclusive,) of the Union Assessment Committee Act, 1862, and the Schedule thereto, and the whole of the Union Assessment Committee Amendment Act, 1864, and Sections 30, 31, 32, and 38 of the Poor Law Amendment Act, 1868, anything in Sections 24, 29, and 36 of the first-mentioned Act, or in section 38 of the last-mentioned Act, to the contrary notwithstanding, shall be incorporated with the said Local Act, and shall apply to and be binding on the University, Colleges, Halls, and the several Parishes comprised within the City of Oxford, and the ratepayers therein, and to and on the Committee aforesaid ;

Provided that no consent shall be necessary to enable the Vice-Chancellor of the University of Oxford to exercise the powers or rights of appeal comprised in Section 32 of the Union Assessment Committee Act, 1862, and in Section 7 of the Union Assessment Committee Amendment Act, 1864.<sup>1</sup>

XI.—The rates to be assessed, made, and levied under the provisions of Sections 33 and 38 of the said Local Act, shall be assessed, made, and levied upon the properties therein mentioned, according to the rateable value as shown by the valuation lists to be made and approved in accordance with the provisions of the Union Assessment Committee Act, 1862, the Union Assessment Committee Amendment Act, 1864, and the Poor Law Amendment Act, 1868, above-mentioned, and this Order.

XII.—For the purposes of carrying out the provisions of the said Local Act as hereby altered, and of the above-mentioned Sections of the Union Assessment Committee

<sup>1</sup> The sections incorporated by this section regulate the proceedings of Assessment Committees and the making of valuations.

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Act, 1862, the Union Assessment Committee Amendment Act, 1864, and the Poor Law Amendment Act, 1868, the said University, Colleges, and Halls shall be deemed to be a Parish, and the Vice-Chancellor of the University shall, as regards the University, Colleges, and Halls, be in the position of, and have and exercise all the powers and perform all the duties hereby, and by those sections, conferred or imposed upon, Overseers as regards Parishes, except as regards the allowance of Poor Rate by Justices and the declaration prescribed by the Statutes applicable to such rate, and shall be at liberty, at any time, to appoint some person, to be notified by him to the said Guardians or the Committee, to act as his deputy or assistant in the exercise and performance of such powers and duties, and such person shall, when so acting, have and exercise all the powers or duties hereby vested in or imposed or conferred upon the said Vice-Chancellor. A. D. 1875.

Provided that all notices required to be published under the said Acts by the Vice-Chancellor shall be published in the manner required by the law in force for the time being in respect of notices of Rates made by the said Vice-Chancellor.

XIII.—Whereas by Section 36 of the said Local Act an appeal is granted to certain Delegates of Appeal therein described, and it is expedient that the provisions of that Section should be altered, it is therefore ordered that the Appeal therein referred to shall not be to such Delegates, but to the Court of Quarter Sessions for the City of Oxford, the Appellant giving to the Vice-Chancellor and to the other person, if any, complained of by the Appellant such notice and grounds of Appeal, and proceeding in such manner as is, or at any time hereafter shall be, by law required in ordinary cases of an Appeal against a Poor Rate.

XIV.—The time fixed by Section 55 of the said Local Act within which actions shall be brought shall be altered from two years to six months after the act complained of shall have been committed.

XV.—All charges, costs, and expenses which under the Sections of the Union Assessment Committee Act, 1862, the Union Assessment Committee Amendment Act, 1864, and the Poor Law Amendment Act, 1868, hereby incorporated with the said Local Act, are payable out of the Common Fund of the Union, shall be payable out of the rates to be



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1875. levied under the Local Act, according to the valuations herein provided for, as soon as the valuations for the whole of the City and the University, Colleges, and Halls, under this Order shall have been made and completed.

XVI.—Every appeal against a valuation list or against the Poor Rate by a person in respect of hereditaments in the Liberty of Grandpont shall be made to the Court of General or Quarter Sessions, or to the Justices in Special Sessions for the City of Oxford, in accordance with the provisions of Section 45 of the said Local Act, instead of to the Magistrates and Sessions of the County of Berks.

Given under the Seal of Office of the Local Government Board, this Fourteenth day of June, in the year One thousand eight hundred and seventy-five.

G. SCIATER-BOOTH, President.  
 JOHN LAMBERT, Secretary.

(L. S.)

40 & 41 VICT. CHAPTER 21.

A. D. 1877. An Act to amend the Law relating to Prisons in England. [12th July 1877.]

[This Act, 'The Prison Act, 1877,' vests the prisons in 'the Secretary of State' and provides for their maintenance and administration.]

Commuta-  
 tion of  
 payment  
 by Univer-  
 sity of  
 Oxford to  
 the city of  
 Oxford.  
 31 & 32  
 Vict. c. lix.<sup>1</sup>

54. The chancellor, masters, and scholars of the University of Oxford shall, in consideration of their being relieved from their obligation under the Oxford Police Act of 1868 to contribute to gaol expenses, pay to the mayor, aldermen, and citizens of the city of Oxford, on or before the first day of April one thousand eight hundred and seventy-eight, the sum of four hundred pounds; and the said chancellor, masters, and scholars shall, from that date, be discharged from all liability under the said Act in respect of gaol expenses.

<sup>1</sup> *Supra.*

40 & 41 VICT. CHAPTER 25.

An Act for regulating the Examination of persons applying to be admitted Solicitors of the Supreme Court of Judicature in England, and for otherwise amending the Law relating to Solicitors.

[23rd July 1877.]

*Preliminary.*

1. This Act may be cited for all purposes as "The Solicitors Act, 1877," and the Act of the sixth and seventh years of the reign of Her present Majesty, chapter seventy-three, "For consolidating and amending several of the laws relating to Attorneys and Solicitors practising in England and Wales," and the Act of the twenty-third and twenty-fourth years of the same reign, chapter one hundred and twenty-seven, "To amend the laws relating to Attorneys Solicitors Proctors and Certificated Conveyancers," may be respectively cited for all purposes as "The Solicitors Act, 1843," and "The Solicitors Act, 1860," and this Act shall (so far as is consistent with the tenour thereof) be construed as one with the said Solicitors Acts, 1843 and 1860, and with the other enactments for the time being in force relating to solicitors.

Short title and construction of Act.

6 & 7 Vict. c. 73<sup>1</sup>  
23 & 24 Vict. c. 127.<sup>2</sup>

10. A certificate of having passed a preliminary examination under this Act shall not be required from any person who has taken the degree of Bachelor of Arts or Bachelor of Laws in the Universities of Oxford Cambridge Dublin Durham or London, or in the Queen's University in Ireland, or the degree of Bachelor of Arts Master of Arts Bachelor of Laws or Doctor of Laws in any of the Universities of Scotland, (none of such degrees being honorary degrees,) or who has been called to the degree of Utter Barrister in England, or who has passed the first public examination before moderators at Oxford or the previous examination at Cambridge, or the examination in arts for the second

General Exemptions from preliminary examination.

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

A. D. 1877. year at Durham, or who has passed one of the local examinations established by the University of Oxford, or one of the non-gremial examinations established by the University of Cambridge, or one of the examinations of the Oxford and Cambridge Schools Examination Board, or one of the matriculation examinations<sup>1</sup> at the Universities of Dublin or London (notwithstanding he may not have been placed in the first division of such matriculation examination), or the examination for the first-class certificate of the College of Preceptors incorporated by Royal Charter in 1849.

The presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and the Master of the Rolls, or any three of them (the Master of the Rolls being one), may make, and from time to time alter and revoke regulations extending the above exemption to any persons who pass any examination held in any of the above-mentioned universities or in the Owen's College, Manchester, or in any other university, college, or educational institution, and specified in that behalf in the said regulations.<sup>1</sup>

Power of judges to provide for admission in certain cases after four years service.

13. The presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and the Master of the Rolls, or any three of them (the Master of the Rolls being one), may make and from time to time alter and revoke regulations directing that any person having passed any examination held in the Universities of Oxford Cambridge Dublin Durham or London, or in the Queen's University in Ireland, or in any of the Universities of Scotland, or in the Owen's College, Manchester, or in any other university,

<sup>1</sup> By a regulation dated the 5th of December, 1877, made by the Presidents of the three divisions and the Master of the Rolls, the exemption contained in this section was extended to persons who have passed the junior students' general examination in the Owens College, Manchester.

The powers of making regulations given by this section and s. 13 are now by the Judicature Act, 1881 (44 & 45 Vict. c. 68) s. 24 vested in the Master of the Rolls with the concurrence of the Lord Chancellor and Chief Justice, or (in case of difference) of one of them.

college, or educational institution, and specified in that A. D. 1877, behalf in such regulations, may be admitted and enrolled as a solicitor after service under articles of clerkship to a practising solicitor for the term of four years, but not so as to allow in any case a less term of service than four years.<sup>1</sup>

40 & 41 VICT. CHAPTER 48.

An Act to make further Provision respecting the Universities of Oxford and Cambridge and the Colleges therein. [10th August 1877.]

WHEREAS the revenues of the Universities of Oxford and Cambridge are not adequate to the full discharge of the duties incumbent on them respectively, and it is therefore expedient that provision be made for enabling or requiring the Colleges in each University to contribute more largely out of their revenues to University purposes, especially with a view to further and better instruction in art, science, and other branches of learning, where the same are not taught, or not adequately taught, in the University:

And whereas it may be requisite, for the purposes aforesaid, as regards each University, to attach fellowships and other emoluments held in the Colleges to offices in the University:

And whereas it is also expedient to make provision for regulating the tenure and advantages of fellowships not so attached, and for altering the conditions on which the same are held, and to amend in divers other particulars the law relating to the Universities and Colleges:

<sup>1</sup> The regulation of the 5th of December, 1877, referred to in the preceding note directs that 'Any person who has passed the first public examination before Moderators at Oxford, or the previous examination at Cambridge, or the examination in arts for the second year at Durham, or who has passed in honours at the entrance examination at the University of Dublin, or the matriculation examination at the University of London (being placed in the first division of such matriculation examination) or the legal students' higher examination in the Owens College, Manchester, may be admitted and enrolled as a Solicitor after service under articles of clerkship to a practising solicitor for a term of four years.'

A. D. 1877. Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

Short titles. 1. This Act may be cited as The Universities of Oxford and Cambridge Act, 1877 ; and the Acts described in the schedule to this Act may respectively be cited by the short titles therein mentioned.

Interpretation. 2. In this Act—  
 "The University" means the University of Oxford and the University of Cambridge respectively, or one of them separately (as the case may require):  
 "The Senate" means the Senate of the University of Cambridge :  
 "College" means a College in the University, and includes the Cathedral or House of Christ Church in Oxford :  
 "Hall" means one of the following Halls, namely, St. Mary Hall, St. Edmund Hall, St. Alban Hall, New Inn Hall, in the University of Oxford :  
 "The Governing Body" of a College means, as regards the Colleges in the University of Oxford, except Christ Church, the head and all actual fellows of the College, being graduates, and as regards Christ Church means the dean, canons, and senior students :  
 "The Governing Body" of a College means, as regards the Colleges in the University of Cambridge, except Downing College, the head and all actual fellows of the College, bye-fellows excepted, being graduates, and as regards Downing College, the head, professors, and all actual fellows thereof, bye-fellows excepted, being graduates :  
 "Emolument" includes—  
 (1.) A headship, professorship, lectureship, readership,  
     o prælectorship, fellowship, bye-fellowship, tutorship, senior studentship, scholarship, junior stu-

dentship, exhibition, demyship, postmastership, A. D. 1877. taberdarship, Bible clerkship, servitorship, sizarship, sub-sizarship, or other place in the University or a College or Hall, having attached thereto an income payable out of the revenues of the University or of a College or Hall, or being a place to be held and enjoyed by a head or other member of a College or Hall as such, or having attached thereto an income to be so held and enjoyed, arising wholly or in part from an endowment, benefaction, or trust ; and

- (2.) The income aforesaid, and all benefits and advantages of every nature and kind belonging to the place, and any endowment belonging to, or held by, or for the benefit of, or enjoyed by, a head or other member of a College or Hall as such, and any fund, endowment, or property held by or on behalf of the University or a College or Hall, for the purpose of advancing, rewarding, or otherwise providing for any member of the University or College or Hall, or of purchasing any advowson, benefice, or property to be held for the like purpose, or to be in any manner applied for the promotion of any such member ; and

- (3.) As regards the University of Oxford a bursary appropriated to any College in Scotland :

"Office" has the same meaning in the sections in which "The Universities Tests Act, 1871," is mentioned as it has in that Act : <sup>34 & 35</sup> Vict. c. 26.<sup>1</sup>

"School" means a school or other place of education beyond the precincts of the University, and includes a College in Scotland :

"Professor" includes Regius and other professor, and reader, and teacher ; and "Professorship" includes their several offices :

<sup>1</sup> *Supra.*

A. D. 1877. "Advowson" includes right of patronage, exclusive or alternate :

"The Charity Commissioners" means the Charity Commissioners for England and Wales :

"The Secretary of State" means one<sup>6</sup> of Her Majesty's Principal Secretaries of State.

*Commissioners.*

Bodies of Commissioners.

3. There shall be two bodies of Commissioners styled respectively the University of Oxford Commissioners and the University of Cambridge Commissioners.

The provisions of this Act referring to the Commissioners shall be construed to apply to those two bodies respectively, or to one of those two bodies separately, as the case may require.

Nomina-  
tion of  
Oxford  
Commis-  
sioners.

4. The following persons are hereby nominated the University of Oxford Commissioners :

The Right Honourable Roundell, Baron Selborne.

The Right Honourable John Thomas, Earl of Redesdale.

The Right Honourable Mountague Bernard, Doctor of Civil Law.

The Honourable Sir William Robert Grove, one of the Justices of Her Majesty's High Court of Justice.

The Reverend James Bellamy, Doctor of Divinity, President of St. John's College.

Henry John Stephen Smith, Master of Arts, Savilian Professor of Geometry.

Matthew White Ridley, Esquire, Master of Arts.

Nomina-  
tion of  
Cambridge  
Commis-  
sioners.

5. The following persons are hereby nominated the University of Cambridge Commissioners :

The Right Honourable Sir Alexander James Edmund Cockburn, Baronet, Lord Chief Justice of England.

The Right Reverend Henry, Lord Bishop of Worcester.

The Right Honourable John William, Lord Rayleigh.

The Right Honourable Edward Pleydell Bouverie.

The Reverend Joseph Barber Lightfoot, Doctor of Divinity, Lady Margaret Professor of Divinity.

George Gabriel Stokes, Master of Arts, Lucasian A. D. 1877.  
Professor of Mathematics.

George Wirgman Hemming, one of Her Majesty's  
Counsel, Master of Arts.

6. If any person nominated a Commissioner by this Act <sup>Vacancies among Commissioners.</sup> dies, resigns, or becomes incapable of acting as a Commissioner, it shall be lawful for Her Majesty the Queen to appoint a person to fill his place; and so from time to time as regards every person appointed under this section: Provided that the name of every person so appointed shall be laid before the Houses of Parliament within ten days after the appointment, if Parliament is then sitting, or if not, then ten days after the next meeting of Parliament.

*Duration : Proceedings.*

7. The powers of the Commissioners shall continue until the end of the year one thousand eight hundred and eighty, and no longer; but it shall be lawful for Her Majesty the Queen, from time to time, with the advice of Her Privy Council, on the application of the Commissioners, to continue the powers of the Commissioners for such time as Her Majesty thinks fit, but not beyond the end of the year one thousand eight hundred and eighty-one. <sup>Duration of Commissions.</sup>

8. The Commissioner first named in this Act, as regards <sup>Chairmen and meetings of Commissioners.</sup> each of the two bodies of Commissioners, shall be the Chairman of the respective body of Commissioners; and in case of his ceasing from any cause to be a Commissioner, or of his absence from any meeting, the Commissioners present at each meeting shall choose a chairman.

The powers of the Commissioners may be exercised at a meeting at which three or more Commissioners are present.

In case of an equality of votes on a question at a meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.

9. The Commissioners shall have a common seal, and <sup>Seals of Commissioners.</sup> the same shall be judicially noticed.

10. Any act of the Commissioners shall not be invalid by <sup>Vacancies not to in-</sup>



A. D. 1877. reason only of any vacancy in their body; but if at any time, and as long as, the number of persons acting as Commissioners is less than four, the Commissioners shall discontinue the exercise of their powers.

validate  
acts.

*Statutes for University and Colleges.*

Power for  
University  
and Col-  
leges to  
make  
statutes.

11. Until the end of the year one thousand eight hundred and seventy-eight, the University and the Governing Body of a College shall have the like powers in all respects of making statutes for the University or the College respectively, and of making statutes for altering or repealing statutes made by them, as are, from and after the end of that year, conferred on the Commissioners by this Act; but every statute so made shall, before the end of that year, be laid before the Commissioners, and the same, if approved before or after the end of that year by the Commissioners by writing under their seal, but not otherwise, shall, as regards the force and operation of the statute, and as regards proceedings prescribed by this Act to be taken respecting a statute made by the Commissioners after (but not before) the statute is made, be deemed to be a statute made by the Commissioners.

If within one month after a statute so made by a College is laid before the Commissioners, a member of the Governing Body of the College makes a representation in writing to the Commissioners respecting the statute, the Commissioners, before approving of the statute, shall take the representation into consideration.

In considering a statute so made by a College, the Commissioners shall have regard to the interests of the University and the Colleges therein as a whole.

The Commissioners shall not approve a statute so made by a College until they have published, in such form as to them may seem fit, a statement with respect to the main purposes relative to the University for which, in their opinion, provision should be made under this Act, the sources from which funds for those purposes should be obtained, and the principles on which payments from the

Colleges for those purposes should be contributed; but nothing in this provision or in any statement published thereunder shall prevent the Commissioners from exercising from time to time according to their discretion the powers and performing the duties conferred and imposed on them by this Act.

12. From and after the end of the year one thousand eight hundred and seventy-eight, the Commissioners may by virtue of this Act, and subject and according to the provisions thereof, make, by writing under their seal, statutes for the University and for any College or Hall, and for altering or repealing statutes made by the Commissioners, and may exercise those powers from time to time with reference to the University and to any College or Hall.

Power for Commissioners to make statutes for University and Colleges and Halls.

13. The Commissioners shall not make a statute altering the trusts, conditions, or directions affecting a University or College emolument if the original charter, deed of composition, or other instrument of foundation thereof, not being an Order in Council made under, or a statute or ordinance having effect under, any Act mentioned in the schedule to this Act, was made or executed within fifty years before the passing of this Act; but nothing in this section shall prevent the Commissioners from making a statute increasing the endowment of any University or College emolument, or otherwise improving the position of the holder thereof.

Limitation of fifty years.

14. The Commissioners, in making a statute affecting a University or College emolument, shall have regard to the main design of the founder, except where the same has ceased to be observed before the passing of this Act, or where the trusts, conditions, or directions affecting the emolument have been altered in substance by or under any other Act.

Regard to main design of founder.

15. The Commissioners, in making a statute for the University or a College or Hall, shall have regard to the interests of education, religion, learning, and research, and in the case of a statute for a College or Hall shall have

Provision for education, religion, learning, and research, &c.

A. D. 1877. regard, in the first instance, to the maintenance of the College or Hall for those purposes.

Objects of  
statutes for  
University.

16. With a view to the advancement of art, science, and other branches of learning, the Commissioners, in statutes made by them for the University, may from time to time make provision for the following purposes, or any of them :

- (1.) For enabling or requiring the several Colleges, or any of them, to make contribution out of their revenues for University purposes, regard being first had to the wants of the several Colleges in themselves for educational and other collegiate purposes :
- (2.) For the creation, by means of contributions from the Colleges or otherwise, of a common University Fund, to be administered under the supervision of the University :
- (3.) For making payments, under the supervision of the University, out of the said common fund for the giving of instruction, the doing of work, or the conducting of investigations within the University in any branch of learning or inquiry connected with the studies of the University :
- (4.) For consolidating any two or more professorships or lectureships :
- (5.) For erecting and endowing professorships or lectureships :
- (6.) For abolishing professorships or lectureships :
- (7.) For altering the endowment of any professorship or lectureship :
- (8.) For altering the conditions of eligibility or appointment and mode of election or appointment to any professorship or lectureship, and for limiting the tenure thereof :
- (9.) For providing retiring pensions for professors and lecturers :
- (10.) For providing new or improving existing buildings, libraries, collections, or apparatus for any purpose connected with the instruction of any members

of the University, or with research in any art or science or other branch of learning, and for maintaining the same :

- (11.) For diminishing the expense of University education by founding scholarships tenable by students either at any College or Hall within the University, or as unattached students, not members of any College or Hall, or by paying salaries to the teachers of such unattached students, or by otherwise encouraging such unattached students :
- (12.) For founding and endowing scholarships, exhibitions, and prizes for encouragement of proficiency in any art or science or other branch of learning :
- (13.) For modifying the trusts, conditions, or directions of or affecting any University endowment, foundation, or gift, or of or affecting any professorship, lectureship, scholarship, office, or institution, in or connected with the University, or of or affecting any property belonging to or held in trust for the University or held by the University in trust for a Hall, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for any purpose in this Act mentioned :
- (14.) For regulating presentations to benefices in the gift of the University :
- (15.) For regulating the application of the purchase money for any advowson sold by the University :
- (16.) For founding any office not paid out of University or College funds in connexion with any special educational work done out of the University under the control of the University, and for remunerating any secretary or officer resident in the University and employed there in the management of any such special educational work :
- (17.) For altering or repealing any statute, ordinance,

A. D. 1877.

or regulation of the University, and substituting or adding any statute for or to the same.

Objects of statutes for Colleges in themselves.

17. The Commissioners, in statutes made by them for a College, may from time to time make provision for the following purposes relative to the College, or any of them :

- (1.) For altering and regulating the conditions of eligibility or appointment, including where it seems fit those relating to age, to any emolument or office held in or connected with the College, the mode of election or appointment thereto, and the value, length, and conditions of tenure thereof, and for providing a retiring pension for a holder thereof :
- (2.) For consolidating any two or more emoluments held in or connected with the College :
- (3.) For dividing, suspending, suppressing, converting, or otherwise dealing with any emolument held in or connected with the College :
- (4.) For attaching any emolument held in or connected with the College to any office in the College, on such tenure as to the Commissioners seems fit, and for attaching to the emolument, in connexion with the office, conditions of residence, study, and duty, or any of them :
- (5.) For affording further or better instruction in any art or science or other branch of learning :
- (6.) For providing new or improving existing buildings, libraries, collections, or apparatus, for any purpose connected with instruction or research in any art or science or other branch of learning, and for maintaining the same :
- (7.) For diminishing the expense of education in the College :
- (8.) For modifying the trusts, conditions, or directions affecting any College endowment, foundation, or gift, or any property belonging to the College, or the head or any member thereof, as such, or held in trust for the College, or for the head or any member thereof, as such, as far as the Commis-

sioners think the modification thereof necessary A. D. 1877.  
or expedient for giving effect to statutes made by  
them for the College :

(9.) For regulating presentations to benefices in the gift  
of the College :

(10.) For regulating the application of the purchase  
money for any advowson sold by the College :

(11.) For altering or repealing any statute, ordinance,  
regulation, or byelaw of the College, and substituting or adding any statute for or to the same.

18. The Commissioners, in statutes made by them for  
a College, may from time to time make provision for the  
following purposes relative to the University, or any of them :

Objects of  
statutes for  
Colleges in  
relation to  
University.

(1.) For authorising the College to commute any annual  
payment agreed or required to be made by it for  
University purposes into a capital sum to be provided by the College out of money belonging to it, and not produced by any sale of lands or hereditaments made after the passing of this Act :

(2.) For annexing any emolument held in or connected  
with the College to any office in the University, or in a Hall, on such tenure as to the Commissioners seems fit, and for attaching to the emolument, in connexion with the office, conditions of residence, study, and duty, or any of them :

(3.) For assigning a portion of the revenues or property  
of the College, as a contribution to the common fund or otherwise, for encouragement of instruction in the University in any art or science or other branch of learning, or for the maintenance and benefit of persons of known ability and learning, studying or making researches in any art or science or other branch of learning in the University :

(4.) For empowering the College by statute made and passed at a general meeting of the Governing Body of the College specially summoned for this purpose, by the votes of not less than two thirds

A. D. 1877.

of the number of persons present and voting, to transfer the library of the College, or any portion thereof, to any University library :

(5.) For providing out of the revenues of the College for payments to be made, under the supervision of the University, for work done or investigations conducted in any branch of learning or inquiry connected with the studies of the University within the University :

(6.) For giving effect to statutes made by the Commissioners for the University :

(7.) For modifying the trusts, conditions, or directions of or affecting any College endowment, foundation, or gift, concerning or relating to the University, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for the University.

Increase of or additional income to be regarded.

19. The Commissioners, in making a statute affecting a University or College emolument, shall take into account any prospective increase of the income of the emolument, or any prospective addition to the revenues of the University or College, and may make such provision as they think expedient for the application of that increase or addition.

Power to allow continuance of voluntary payments.

20. Nothing in or done under this Act shall prevent the Commissioners from making in any statute made by them for a College such provisions as they think expedient for the voluntary continuance of any voluntary payment that has been used to be made out of the revenues of the College in connexion with the College estates or property.

Provision for accounts, audit, borrowing, and leases.

21. The Commissioners, in statutes made by them, shall from time to time make provision—

(1.) For the form of accounts of the University and of a College relating to funds administered either for general purposes, or in trust, or otherwise, and for the audit and publication thereof :

(2.) For the publication of accounts of receipts and expenditure of money raised under the borrowing powers of the University or of a College :

And the Commissioners, in statutes made by them, may A. D. 1877.  
from time to time, if they think fit, make provision—

- (3.) For regulating the exercise of the borrowing powers of the University or of a College:
- (4.) For regulating the conditions under which beneficial leases may be renewed by the University or a College.

22. The Commissioners, in statutes made by them, may from time to time make provision for the complete or partial union of two or more Colleges, or of a College or Colleges and a Hall or Halls. or of two or more Halls, or of a College or Hall, with any institution in the University, or for the organization of a combined educational system in and for two or more Colleges or Halls, provided application in that behalf is made to the Commissioners on the part of each College and Hall and institution as follows:

- (1.) In the case of a College in the University of Oxford, by a resolution passed at a general meeting of the Governing Body of the College specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting, and, in case of an application for complete union, with the consent in writing of the Visitor of the College:
- (2.) In the case of a Hall, by a resolution of the Hebdomadal Council, with the consent in writing of the Chancellor of the University:
- (3.) In the case of a College in the University of Cambridge, by a resolution passed at a general meeting of the Governing Body of the College specially summoned for this purpose, and, in case of an application for complete union, the resolution being passed by the votes of not less than two thirds of the number of persons present and voting:
- (4.) In the case of an institution, with the consent of the Congregation or Senate of the University.



A. D. 1877.

Saving re-  
specting  
Hulme  
Exhibitions  
at Oxford.

28. The Commissioners shall not make a statute affecting the trusts or directions of the will of William Hulme, of Kearsley, in the county of Lancaster, deceased, or the provisions of any Act of Parliament relating thereto, except as regards so much of the funds or property of the trustees under the same as the Charity Commissioners under any scheme approved by Order in Council may assign for scholarships or exhibitions at Brasenose College or elsewhere in Oxford, without the consent in writing of the trustees under the same.<sup>1</sup>

Saving re-  
specting  
Snell Exhi-  
bitions at  
Oxford.

24. No statute or ordinance shall be made under this Act affecting the trusts, conditions, or directions of the will of John Snell, Esquire, deceased, or any scheme approved by the Court of Chancery relating thereto, without the consent in writing of the University Court of the University of Glasgow.

Provision  
for canonry  
of Roches-  
ter annexed  
to provost-  
ship of  
Oriel Col-  
lege,  
Oxford.

25. The Commissioners, in a statute made by them for the University of Oxford, or for Oriel College in Oxford, may, if they think fit, with the assent of Oriel College, signified under its common seal, and with the concurrence of the Ecclesiastical Commissioners for England, provide that the canonry in the chapter of the cathedral church of Rochester, which is now annexed and united to the provostship of Oriel College, shall, on a vacancy, be severed therefrom, and may also, with the concurrence of the said Ecclesiastical Commissioners, provide that such canonry shall be thenceforth permanently annexed and united to some office or place of a theological or ecclesiastical character in or connected with the University of Oxford, or may, with the concurrence aforesaid, make such other provisions for the future disposal and patronage of such canonry as they shall think fit; and in case any such statute shall be made annexing such canonry to such office or place as aforesaid, such canonry, or the income thereof, may, if they think fit, be reckoned and taken, in whole or in part, as

<sup>1</sup> See as to the Hulme Foundation (*supra*) 10 Geo. 3. c. 51, 35 Geo. 3. c. 62, 54 Geo. 3. c. 205, 7 & 8 Geo. 4. c. 9, and 2 & 3 Vict. c. 17, and (*infra*) 7 Edw. 7. c. cx.

a contribution of Oriel College out of its revenues to A. D. 1877. University purposes.<sup>1</sup>

26. The Commissioners, in a statute or statutes made by them for the University of Cambridge, with the concurrence of the Ecclesiastical Commissioners for England, may provide for the canonry in the chapter of the Cathedral Church of Ely, which is annexed and united to the Regius Professorship of Greek, being, on a vacancy, severed therefrom, and being thenceforth permanently annexed and united to a professorship in the University of a theological or ecclesiastical character, with power, nevertheless, for the Commissioners, with the concurrence of the Ecclesiastical Commissioners, if they think it expedient, to allow the present professor to resign the professorship and to hold the canonry as if it had never been annexed to the professorship.<sup>2</sup>

Severance of canonry from Greek professorship at Cambridge.

27. A statute for altering or modifying the trusts, statutes, or directions relating to the endowments held by the Regius Professor of Greek, Hebrew, or Divinity in the University of Cambridge, if affecting any statute of Trinity College touching those professors or their endowments, shall not be made by the Commissioners unless and until it receives the assent of Trinity College under its common seal.<sup>3</sup>

Saving for statutes of Trinity College, Cambridge, as to Regius professorships.

<sup>1</sup> Under this section the Commissioners, with the concurrence of the Ecclesiastical Commissioners, by a statute made for Oriel College, sealed the 3rd of February, 1881, and approved by the Queen in Council the 3rd of May, 1882, severed the Canonry of Rochester from the Provostship of the College, and by a statute made for the University, sealed the 26th of April, 1881, and approved by the Queen in Council the 3rd of May, 1882, annexed the Canonry to the Oriel Professorship of the Interpretation of Holy Scripture, founded by the latter statute and thereby made tenable, unless and until the University should otherwise by statute determine, together with Dean Ireland's Professorship of the Exegesis of Holy Scripture. These statutes took effect on the death (18th of November, 1882,) of Provost Hawkins. The Oriel Professorship has not at any time been held together with Dean Ireland's Professorship.

<sup>2</sup> Under this section the Commissioners, with the concurrence of the Ecclesiastical Commissioners, by Statute B. Chapter XIV made for the University and approved by the Queen in Council the 29th of June, 1882, severed the Canonry of Ely from the Regius Professorship of Greek and annexed it to the Ely Professorship of Divinity established by the same statute. This statute took effect on the death (6th of April, 1889,) of Dr. Kennedy, Regius Professor of Greek.

<sup>3</sup> The stipends of the Regius Professorships of Greek, Hebrew, and Divinity

A. D. 1877.

Alteration  
of trusts of  
Dixie  
Founda-  
tion in  
Emmanuel  
College,  
Cam-  
bridge.

28. The Commissioners, in a statute or statutes made by them for Emmanuel College in the University of Cambridge, after notice in writing to the heir of Sir Wolstan Dixie, may alter or modify the trusts, conditions, or directions of or affecting the Dixie Foundation, and as regards any right of nomination vested in the heir of the founder may commute that right in such manner, or make such other arrangement touching that right, as to the Commissioners seems just and beneficial.<sup>1</sup>

Saving for  
headship of  
Magdalene  
College,  
Cam-  
bridge.

29. A statute made by the Commissioners shall not affect the right of nominating or appointing to the headship of Saint Mary Magdalene College in the University of Cambridge, unless the consent by deed of the person entitled to that right is first obtained.

Distinction  
of Univer-  
sity and  
College  
Statutes.

30. A statute made by the Commissioners may, if the Commissioners think fit, be in part a statute for the University, and in part a statute for a College or Hall.

The Commissioners shall in each statute made by them declare whether the same is a statute, wholly or in any and what part, for the University or for a College or Hall therein named; and the declaration in that behalf of the Commissioners shall be conclusive, to all intents.

were charged by Henry the Eighth on the endowments of Trinity College. See note to 27 Hen. 8. c. 42 (Vol. 1. p. 115 (*supra*)). The endowment of the Regius Professorship of Greek after the severance therefrom of the Canonry of Ely was provided for by Statute C, made by the Commissioners under this section with the concurrence of Trinity College, and approved by the Queen in Council on the 10th of March, 1882.

<sup>1</sup> By a statute for Emmanuel College, approved by the University of Cambridge Commissioners on the 11th of February, 1879, and by Order in Council on the 26th of February, 1880, the trusts of the Dixie Foundation were altered, and the right of nominating to the Fellowships, Scholarships, and Exhibitions on that Foundation, and other rights vested in the Founder's heir, were commuted for a perpetual right of nominating to the College for presentation to the rectories of Roddington, Brantham, and North Benfleet clerks being graduates of the College, and qualified by either being of kin to the Founder or having been educated for one year at Market Bosworth School; the right of nomination to be exercised within three months of the voidance of the benefice.

By Statute I.III of the Statutes made for the College by the Commissioners on the 19th of March, 1881, and approved by Order in Council on the 3rd of May, 1882, Lord Keeper Wright's decree of the 7th of March, 1700, by which the Dixie Foundation had been governed, was repealed.

If any statute is in part a statute for a College or Hall, A. D. 1877: the same shall for the purposes of the provisions of this Act relative to the representation of Colleges and Halls, and of the other provisions of this Act regulating proceedings on the statute, be proceeded on as a statute for the College or Hall.

31. Where the Commissioners contemplate making a statute for the University or a statute for a College or Hall containing a provision for any purpose relative to the University, or a statute otherwise affecting the interests of the University, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute in the University of Oxford to the Hebdomadal Council, to the Head and to the Visitor of the College, and to the Principal of the Hall affected thereby, and in the University of Cambridge to the Council of the Senate and to the Governing Body of the College affected thereby. Communication of proposed statutes for University, &c. to Council &c.

The Commissioners shall take into consideration any representation made to them by the Council, College, Visitor, Principal, or Governing Body respecting the proposed statute.

Within seven days after receipt of such communication by the Council, the Vice-Chancellor of the University shall give public notice thereof in the University.

32. Where the Commissioners contemplate making a statute for a College or Hall, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Vice-Chancellor of the University and to the Head, and in the University of Oxford the Visitor, of the College, and to the Principal of the Hall. Publication of proposed statutes for Colleges and Halls.

Within seven days after receipt of such communication the Vice-Chancellor shall give public notice thereof in the University.

33. The Commissioners may, if they think fit, by writing under their seal, from time to time authorise and direct the University or any College or Hall to suspend the election Suspension of elections.

A. D. 1877. or appointment to, or limit the tenure of, any emolument therein mentioned for a time therein mentioned within the continuance of the powers of the Commissioners as then ascertained; and the election or appointment thereto or tenure thereof shall be suspended or limited accordingly.<sup>1</sup>

Saving of  
existing  
interest.

34. Any statute made by the Commissioners shall operate without prejudice to any interest possessed by any person by virtue of his having, before the statute comes into operation, become a member of a College or Hall, or been elected or appointed to a University or College emolument, or acquired a vested right to be elected or appointed thereto.

Production  
of docu-  
ments, &c.

35. The Commissioners, in the exercise of their authority, may take evidence, and for that purpose may require from any officer of the University or of a College or Hall the production of any documents or accounts relating to the University or to the College or Hall (as the case may be), and any information relating to the revenues, statutes, usages, or practice thereof, and generally may send for persons, papers, and records.

### *Representation of Colleges and Halls.*

Election of  
Commis-  
sioners by  
College.  
For Hall,  
Principal to  
be Commis-  
sioner.

36. Eight weeks at least (exclusive of any University vacation) before the Commissioners, in the first instance, enter on the consideration of a statute to be made by the Commissioners for a College or Hall, they shall, by writing under their seal, give notice to the Governing Body of the College, and in the University of Oxford to the Visitor of the College, and in the case of a Hall to the Principal of the Hall, of their intention to do so.

The Governing Body of the College, at any time after receipt of the notice, may, at an ordinary general meeting, or at a general meeting specially summoned for this purpose, elect three persons to be Commissioners to represent the College in relation to the making by the Commissioners of statutes for the College.

<sup>1</sup> See amendments to this section by 43 & 44 Vict. c. 11 (*infra*).

But, in the case of a College, any actual member of the foundation whereof is nominated a Commissioner in this Act, no more than two persons shall be so elected, while that member is a Commissioner. A. D. 1877.

If during the continuance of the powers of the Commissioners a vacancy happens by death, resignation, or otherwise, among the persons so elected, the same may be filled up by a like election; and so from time to time.

Each person entitled to vote at an election shall have one vote for every place to be then filled by election, and may give his votes to one or more of the candidates for election, as he thinks fit.

The persons elected to represent a College, and the principal of a Hall, shall be, to all intents, Commissioners in relation to the making by the Commissioners of statutes for the College or Hall, before and after the making thereof, but not further or otherwise, save that they shall not be counted as Commissioners for the purposes of the provisions of this Act requiring four Commissioners to be acting and three to be present at a meeting.

37. Where the Commissioners propose at any meeting, not being an adjourned meeting, to make a statute for a College or Hall, they shall give to the Governing Body of the College or to the Principal of the Hall, by writing under the seal of the Commissioners, or under the hand of their secretary, fourteen days notice of the meeting. Notice to College or Hall of meeting.

38. Any act of the Commissioners shall not be invalid by reason only of any failure to elect any person to be a Commissioner to represent a College, or the failure of any person elected to represent a College, or of the Principal of a Hall, to attend a meeting of the Commissioners. Validity of acts as regards Colleges and Halls.

### *Schools.*

39. If in any case the Commissioners contemplate making a statute for a College, affecting any right of preference in elections to any College emolument lawfully belonging to and enjoyed by any school, individually named or designated in any instrument of foundation, they shall, Notice to Governing Body of school and to Charity Commissioners.

- A. D. 1877. two months at least before adopting any final resolution in that behalf, give notice, by writing under their seal, to the Governing Body of the school, or to the Master or Principal of the school on behalf of the Governing Body, and to the Charity Commissioners, of the proposed statute.

Where the emolument is not a fellowship, bye-fellowship, or studentship, the Commissioners shall not make the proposed statute in either of the following cases; namely,

- (1.) If within two months after receipt of the notice aforesaid by the Governing Body, master, or principal of the school, two thirds of the Governing Body of the school, or two thirds of the aggregate body composed of the members of the several Governing Bodies of several schools interested (in the reckoning of the two thirds members of the Governing Body of a school who are such by virtue of membership of or election by the Governing Body of the College not being counted), by writing under their respective hands or seal, dissent from the proposed statute on the ground that it would be prejudicial to the school or schools as a place or places of learning and education; or
- (2.) If within two months after receipt of the notice aforesaid by the Charity Commissioners, those Commissioners, by writing under their seal, dissent from the proposed statute on the ground  
• aforesaid.

Where fellowships or studentships are tenable in a College by undergraduates, and the fellowships or studentships of the College are divided, or proposed to be divided, into elder and younger, the elder only shall be deemed to be fellowships or studentships within this section.

Provision  
for case of  
contingent  
right.

40. The Governing Body of a school having a right of preference contingently only on the failure of fit objects from some other school entitled to and in the enjoyment of a prior right of preference, shall not have the power of dissent from a proposed statute under this Act.

41. Where the Governing Body of a school is a corporate body, the Governing Body of the corporation shall be deemed to be the Governing Body of the school. A. D. 1877.  
Governing  
Body a  
corpora-  
tion.

42. The Commissioners shall send to the Secretary of State every statute relating to a school proposed by them and dissented from as aforesaid (unless another statute has been substituted), and it shall be laid before both Houses of Parliament. Statutes for  
schools dis-  
sented  
from.

43. Every right of preference retained by or for a school under this Act shall be subject to all statutes from time to time made by the Commissioners for the purpose of making the College emolument, to which the right relates, more conducive to the mutual benefit of the College and school, or for the purpose of throwing the emolument open to general or extended competition, on any vacancy for which no candidate or claimant of sufficient merit offers himself from any school entitled. Provision  
respecting  
right of  
preference  
when re-  
tained by  
school.

#### *Universities Committee of Privy Council.*

44. There shall be a Committee of Her Majesty's Privy Council, styled The Universities Committee of the Privy Council (in this Act referred to as the Universities Committee). Constitu-  
tion of  
Univer-  
sities Com-  
mittee of  
Privy  
Council.

The Universities Committee shall consist of the President for the time being of the Privy Council, the Archbishop of Canterbury for the time being, the Lord Chancellor of Great Britain for the time being, the Chancellor of the University of Oxford for the time being, if a member of the Privy Council, the Chancellor of the University of Cambridge for the time being, if a member of the Privy Council, and such other member or two members of the Privy Council as Her Majesty from time to time thinks fit to appoint in that behalf, that other member, or one at least of those two other members, being a member of the Judicial Committee of the Privy Council.

The powers and duties of the Universities Committee may be exercised and discharged by any three or more of



A. D. 1877. the members of the Committee, one of whom shall be the Lord Chancellor or a member of the Judicial Committee of the Privy Council.

*Confirmation or Disallowance of Statutes.*

**Submission of statutes to Queen in Council.** 45. The Commissioners, within one month after making a statute, shall cause it to be submitted to Her Majesty the Queen in Council, and notice of it having been so submitted shall be published in the London Gazette (in this Act referred to as the gazetting of a statute).

The subsequent proceedings under this Act respecting the statute shall not be affected by the cesser of the powers of the Commissioners.

**Petition against statute.** 46. At any time within three months after the gazetting of a statute, the University or the Governing Body of a College, or the trustees, governors, or patron of a University or College emolument, or the Principal of a Hall, or the Governing Body of a school, or any other person or body, in case the University, College, emolument, Hall, school, person, or body, is directly affected by the statute, may petition the Queen in Council for disallowance of the statute, or of any part thereof.

**Reference to Committee.** 47.<sup>1</sup> It shall be lawful for the Queen in Council to refer any statute petitioned against under this Act to the Universities Committee.

The petitioners shall be entitled to be heard by themselves or counsel in support of their petition.

It shall be lawful for the Queen in Council to make, from time to time, rules of procedure and practice for regulating proceedings on such petitions.

The costs of all parties of and incident to such proceedings shall be in the discretion of the Universities Committee; and the orders of the Committee respecting costs shall be enforceable as if they were orders of a Division of the High Court of Justice.

**Disallowance by Order in** 48. If the Universities Committee report their opinion that a statute referred to them, or any part thereof, ought

<sup>1</sup> The number of this section is omitted in the original Act.

to be disallowed, it shall be lawful for the Queen in Council A. D. 1877.  
to disallow the statute or that part, and thereupon the Council, or  
statute or that part shall be of no effect. remitting to  
Commissioners.

If, during the continuance of the powers of the Commissioners, the Universities Committee report their opinion that a statute referred to them ought to be remitted to the Commissioners with a declaration, it shall be lawful for the Queen in Council to remit the same accordingly; and the Commissioners shall reconsider the statute, with the declaration, and the statute, if and as modified by the Commissioners, shall be proceeded on as an original statute is proceeded on, and so from time to time.

49. If a statute is not referred to the Universities Committee, then, within one month after the expiration of the time for petitioning against it, the statute shall be laid before both Houses of Parliament, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament. Statutes not referred, or not disallowed or remitted, to be laid before Houses of Parliament.

If a statute is referred to the Universities Committee, and the Committee do not report that the same ought to be wholly disallowed or to be remitted to the Commissioners, then, as soon as conveniently may be after the report of the Universities Committee thereon, the statute, or such part thereof as is not disallowed by Order in Council, shall be laid before both Houses of Parliament.

50. If neither House of Parliament, within twelve weeks (exclusive of any period of prorogation) after a statute or part of a statute is laid before it, presents an address praying the Queen to withhold her consent therefrom, it shall be lawful for the Queen in Council by Order to approve the same. Approval of statutes by Order in Council.

### *Effect of Statutes.*

51. Every statute or part of a statute made by the Commissioners, and approved by Order in Council, shall be binding on the University and on every College and Hall, and shall be effectual notwithstanding any instrument of foundation or any Act of Parliament, Order in Council, Statutes to be binding and effectual.

A. D. 1877. decree, order, statute, or other instrument or thing constituting wholly or in part an instrument of foundation, or confirming or varying a foundation or endowment, or otherwise regulating the University or a College or Hall.

Power in Cambridge for Chancellor to settle doubts as to meaning of University Statutes.

52. If after the cesser of the powers of the Commissioners any doubt arises with respect to the true meaning of any statute made by the Commissioners for the University of Cambridge, the Council of the Senate may apply to the Chancellor of the University for the time being, and he may declare in writing the meaning of the statute on the matter submitted to him, and his declaration shall be registered by the Registry of the University, and the meaning of the statute as therein declared shall be deemed to be the true meaning thereof.

#### *Alteration of Statutes.*

Power for University to alter Commissioners statutes.

53. A statute made by the Commissioners for the University or for a Hall shall, after the cesser of the powers of the Commissioners, be subject to alteration from time to time by statute made by the University under this Act and not otherwise.

But where and as far as a statute made by the Commissioners for the University affects a College, the same shall not be subject to alteration under this section, except with the consent of the College.

Power for Colleges to alter Commissioners statutes.

54. A statute made by the Commissioners for a College, and any statute, ordinance, or regulation made by or in relation to a College under any authority other than that of this Act, shall, after the cesser of the powers of the Commissioners, be subject to alteration from time to time by statute made by the College under this Act and not otherwise, the same being passed at a general meeting of the Governing Body of the College, specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting.

But where and as far as a statute made by the Commissioners for a College affects the University, the same

shall not be subject to alteration under this section except A. D. 1877. with the consent of the University.

55. Every statute made by the University or a College under either of the two next preceding sections of this Act shall be submitted to the Queen in Council, and be proceeded on and have effect as if it were a statute made by the Commissioners, with the substitution only of the University or the College for the Commissioners in the provisions of this Act in that behalf.

Confirmation or disallowance of altering statutes.

*Reference of other Statutes to Universities Committee.*

56. Every statute, ordinance, and regulation made as follows; namely,

Statutes awaiting submission to Queen in Council, or made before cesser of powers of Commissioners.

- (1.) Every statute, ordinance, and regulation made by or in relation to the University or a College under any former Act before the passing of this Act, and required by any former Act to be submitted to the Queen in Council, but not so submitted before the passing of this Act; and
- (2.) Every statute, ordinance, and regulation made by or in relation to the University or a College under any former Act after the passing of this Act, and before the cesser of the powers of the Commissioners, and required by any former Act to be submitted to the Queen in Council; and
- (3.) Every statute, ordinance, and regulation made by or in relation to a College under any former Act or any ordinance since the first day of January one thousand eight hundred and seventy-seven, and before the passing of this Act,

shall, in lieu of being submitted to the Queen in Council under and according to any former Act or any ordinance, and whether or not a submission to the Queen in Council is required under any former Act or any ordinance,\*be, with the consent of the Commissioners in writing under their seal, but not otherwise, submitted to the Queen in Council under this Act, and be proceeded on as if it were a statute made by the Commissioners, with the substitution

- A. D. 1877. only of the University or the College for the Commissioners in the provisions of this Act in that behalf; and the same, if and as far as it is approved by Order in Council under this Act, shall have effect as if it had been submitted and proceeded on under any former Act or any ordinance.

*Tests.*

Saving for Tests Act. 34 & 35 Vict. c. 26.<sup>1</sup> 57. Nothing in this Act shall be construed to repeal any provision of the Universities Tests Act, 1871.

Operation of Tests Act as regards new theological offices. 34 & 35 Vict. c. 26. 58. Where the Commissioners, by any statute made by them, erect or endow an office declared by them in the statute to require in the incumbent thereof the possession of theological learning, which (notwithstanding anything in this Act) they are hereby empowered to do, provided the office be not a headship or fellowship of a College, then the Universities Tests Act, 1871, shall, with reference to that office, be read and have effect as if the statute had been made before and was in operation at the passing of the Universities Tests Acts, 1871.

Provision for religious instruction and worship in pursuance of Tests Act. 59. The Commissioners, in statutes made by them, shall make provision, as far as may appear to them requisite, for the due fulfilment of the requisitions of sections five and six of the Universities Tests Act, 1871 (relating to religious instruction and to morning and evening prayer in Colleges); but, except for that purpose, they shall not, by a statute made by them, endow wholly or in part an office of an ecclesiastical or theological character by means of any portion of the revenues or property of the University or a College not forming, when the statute comes into operation, the endowment, or part of the endowment, of an office of that character, and in any statute made by them, shall not make directly, or indirectly through the consolidation or combination of any office or emolument with any other office or emolument, whether in the University or in a College or Hall, the entering into holy orders or the taking of any test a condition of the holding of any office

<sup>1</sup> *Supra.*

or emolument existing at the passing of this Act to which that condition is not at the passing of this Act attached. A. D. 1877.

• *Land.*

60. A license to alienate or to take and hold in mortmain shall be and be deemed to have been unnecessary in respect of a purchase, made before or after the passing of this Act, by the University or a College of land situate within a district or place described or named in, and required for any purpose mentioned in, the following enactments respectively:

Section four of the Oxford University Act, 1857:

20 & 21  
Vict. c. 25.<sup>1</sup>

Section fifty-one of the Cambridge University Act, 1856.

19 & 20  
Vict. c. 88.<sup>2</sup>

*Electoral Roll, Cambridge.*

61. No objection to the list of members of the Electoral Roll of the University of Cambridge, promulgated in accordance with section seven of the Cambridge University Act, 1856, made on the ground of any person being improperly placed on or omitted from that list, shall be entertained unless notice of it is given in writing to the Vice-Chancellor at least four days before the day for publicly hearing objections to that list; and the Vice-Chancellor shall, at least two days before such day, cause to be promulgated a list of all the objections of which notice has been given.

Notice of  
objection  
as to Elec-  
toral Roll  
to be given.

THE SCHEDULE.

*Short Titles for former Acts.*

OXFORD.

17 & 18 Vict. c. 81.<sup>3</sup>—An Act to make further provision for the good government and extension of the University of Oxford, of the Colleges therein, and of the College of Saint Mary, Winchester.

The Oxford University Act, 1854.

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

<sup>3</sup> *Supra.*

CH. 48] *Universities of Oxford and Cambridge.* [40 & 41 VICT.

- A. D. 1877. 19 & 20 Vict. c. 31.<sup>1</sup>—An Act to amend the Act of the seventeenth and eighteenth years of Her Majesty concerning the University of Oxford and the College of Saint Mary, Winchester. The Oxford University Act, 1856.
- 20 & 21 Vict. c. 25.<sup>2</sup>—An Act to continue the powers of the Commissioners under an Act of the seventeenth and eighteenth years of Her Majesty concerning the University of Oxford and the College of Saint Mary, Winchester, and further to amend the said Act. The Oxford University Act, 1857.
- 23 & 24 Vict. c. 91.<sup>3</sup>—An Act for removing doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the custody of certain testamentary documents. The Oxford University Act, 1860.
- 32 & 33 Vict. c. 20.<sup>4</sup>—An Act to remove doubts as to the validity of certain statutes made by the Convocation of the University of Oxford. The Oxford University Statutes Act, 1869.

CAMBRIDGE.

- 19 & 20 Vict. c. 88.<sup>5</sup>—An Act to make further provision for the good government and extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton. The Cambridge University Act, 1856.

41 & 42 VICT. CHAPTER 33.

- A. D. 1878. An Act to amend the Law relating to Dental Practitioners. [22d July 1878.]

WHEREAS it is expedient that provision be made for the registration of persons specially qualified to practise as dentists in the United Kingdom, and that the law relating to persons practising as dentists be otherwise amended :

*Supra.*

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

*Supra.*

<sup>3</sup> *Supra.*

Be it therefore enacted by the Queen's most Excellent A. D. 1878. Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may for all purposes be cited as the Short title. Dentists Act, 1878.

2. In this Act "General Council" means the General Council of Medical Education and Registration of the United Kingdom, established under the Medical Act, 1858; and "Branch Council" means a branch of the said council as constituted by the same Act: <sup>Interpreta-  
tion.  
21 & 22  
Vict. c. 90.<sup>1</sup></sup>

"General registrar" means the person appointed to be the registrar by the General Council, and "local registrar" means the registrar appointed by a branch council under the Medical Act, 1858 :

"Medical authorities" means the bodies and universities who choose members of the General Council.

### *Examinations.*

18. Notwithstanding anything in any Act of Parliament, charter, or other document, it shall be lawful for any of the medical authorities (herein-after referred to as colleges or bodies) who have power for the time being to grant surgical degrees, from time to time to hold examinations for the purpose of testing the fitness of persons to practise dentistry or dental surgery who may be desirous of being so examined, and to grant certificates of such fitness; and any person who obtains such a certificate from any of those colleges or bodies shall be a licentiate in dental surgery or dentistry of such college or body, and his name shall be entered on a list of such licentiates to be kept by such college or body. <sup>Examina-  
tions in  
dental sur-  
gery.</sup>

Each of the said colleges or bodies shall admit to the examinations held by them respectively under this section

<sup>1</sup> *Supra.*



A. D. 1878. any person desirous of being examined who has attained the age of twenty-one years, and has complied with the regulations in force (if any) as to education of such college or body.

Board of  
examiners.

19. Subject to the provisions herein-after contained with reference to a medical board, the council or other the governing body of the Royal College of Surgeons of Edinburgh, and of the Faculty of Physicians and Surgeons of Glasgow, and of the Royal College of Surgeons in Ireland, and of any university in the United Kingdom respectively, may from time to time appoint a board of examiners for the purpose of conducting the examinations and granting the certificates herein-before mentioned.

Each of such boards shall be called the Board of Examiners in Dental Surgery or Dentistry, and shall consist of not less than six members, one half of whom at least shall be persons registered under this Act, and such registration shall (notwithstanding anything in any Act of Parliament, charter, or other document) be deemed the only qualification necessary for the membership of such board.

The persons appointed by each such council or other governing body shall continue in office for such period, and shall conduct the examinations in such manner, and shall grant certificates in such form, as such council or other governing body may from time to time, by byelaws or regulations, respectively direct.

A casual vacancy in any such board of examiners may be filled by the council or other governing body which appointed such board, but the person so appointed shall be qualified as the person in whose stead he is appointed was qualified, and shall hold office for such time only as the person in whose stead he is appointed would have held office.

Fees for  
examina-  
tion.

20. Such reasonable fees shall be paid for the certificates to be granted under this Act by the board of examiners of the Royal College of Surgeons of Edinburgh, the Faculty of Physicians and Surgeons of Glasgow, and of the Royal

College of Surgeons in Ireland, and of any such university A. D. 1878.  
as aforesaid respectively, as the council or other the  
governing body of each of those colleges or bodies may  
from time to time, by byelaws or regulations, respectively  
direct.

22. Every medical authority shall from time to time, General Council may require information as to examination.  
when required by the General Council, furnish such Council  
with such information as such Council may require as to  
the course of study and examinations to be gone through  
in order to obtain such certificates as are in this Act  
mentioned, and generally as to the requisites for obtaining  
such certificates; and any member or members of the  
General Council, or any person or persons deputed for  
this purpose by such Council, or by any branch council,  
may attend and be present at any such examinations.

23. Where it appears to the General Council that the Representation to Privy Council of defects in examination.  
course of study and examinations to be gone through in  
order to obtain such certificate as in this Act mentioned  
from any of the said colleges or bodies are not such as to  
secure the possession by persons obtaining such certificate  
of the requisite knowledge and skill for the efficient practice  
of dentistry or dental surgery, the General Council may  
represent the same to Her Majesty's Privy Council.

24. The Privy Council, on any representation made as Powers of Privy Council, on representation, to make order.  
aforesaid, may, if they see fit, order that a certificate  
granted by any such college or body after such time as  
may be mentioned in the order shall not confer any right  
to be registered under this Act.

Any such order may be revoked by the Privy Council on  
its being made to appear to them, by further representation  
from the General Council or otherwise, that such college or  
body has made effectual provision, to the satisfaction of the  
General Council, for the improvement of such course of  
study or examination.

25. After the time mentioned in this behalf in any Consequences of order.  
such Order in Council, no person shall be entitled to be  
registered under this Act in respect of a certificate granted  
by the college or body to which such order relates after

A. D. 1878. the time therein mentioned, and the revocation of any such order shall not entitle any person to be registered in respect of a certificate granted before such revocation.

Privy Council may prohibit attempts to impose restrictions as to any theory of dentistry by bodies entitled to grant certificates.

26. If it appears to the General Council that an attempt has been made by any medical authority to impose on any candidate offering himself for examination an obligation to adopt or refrain from adopting the practice of any particular theory of dentistry or dental surgery as a test or condition of admitting him to examination, or granting a certificate of fitness under this Act, the General Council may represent the same to the Privy Council, and the Privy Council may thereupon issue an injunction to the authority so acting directing them to desist from such practice, and in the event of their not complying therewith, then to order that such authority shall cease to have power to confer any right to be registered under this Act so long as they continue such practice.

Provision for conduct of examination by medical boards, if established.

41 & 42 Vict. c. 90.<sup>1</sup>

28. In the event of a board being at any time after the passing of this Act established, whether under the name of a medical board or otherwise, for nominating on behalf of any two or more of the medical authorities examiners of persons desirous of practising medicine and surgery, whether such board (in this Act referred to as a medical board) is established under the Medical Act, 1858, or otherwise, a person shall not receive a certificate of fitness to practise as a dentist from any medical authority represented on such board or, if such board is established for the whole of England, Scotland, or Ireland, shall not be entitled to be registered in respect of any certificate obtained in England, Scotland, or Ireland, as the case may be, unless he has obtained from such board a certificate that he has shown by examination that he is qualified to practise dentistry or dental surgery: Provided that one half at least of the examiners at any such examination shall be persons registered under this Act.

The medical board shall in such manner as may be from time to time directed by the General Council, certify to the

<sup>1</sup> *Supra.*

general registrar and to the medical authorities the persons A. D. 1878. who have shown by examination that they are qualified to practise dentistry or dental surgery, and every person so certified shall on application receive from the Royal College of Surgeons of England, or the Royal College of Surgeons of Edinburgh, or the Faculty of Physicians and Surgeons of Glasgow, or the Royal College of Surgeons of Ireland, a certificate of fitness constituting such person a licentiate in dental surgery or dentistry of such college or faculty.

If a medical authority certify to the general registrar the names and addresses of the persons who, having been so certified by a medical board, have received certificates from that authority, together with the other particulars required for the registration of such persons, the general registrar may, upon payment of the registration fee, register every such person in the dentists register without application from that person.

The General Council shall have the same power of making rules respecting the examination of persons desiring to obtain certificates of being qualified to practise dentistry or dental surgery as they have for the time being in respect of the examination of persons desiring to obtain a qualification to practise medicine and surgery, and there shall be the same right of appeal to the Privy Council against such rules.

The General Council and the Privy Council shall have the same control over the medical board, so far as regards the examination of persons desiring to practise dentistry or dental surgery, as they have as regards the examination of persons desiring to practise medicine and surgery, and shall have the same power of dismissing the members of such board.

The General Council may cause to be framed, and may approve, and when approved, submit to the Privy Council, a scheme to carry into effect the provisions of this Act with respect to a medical board, and rules respecting examinations, and for extending, with or without, any

A. D. 1878. exception or modification, to the examination of persons desirous of practising dentistry or dental surgery, the provisions of any Act for the time being in force with respect to the examination of persons desiring to practise medicine or surgery, and any such scheme when confirmed by the Privy Council shall have full effect.

Any such scheme may provide for the fees to be paid on admission to the examinations, and for the application of such fees for public purposes, and generally for such matters as appear to be necessary or proper for carrying into effect the scheme and regulating the examinations.

*Supplemental.*

Byelaws. 38. All byelaws, orders, and regulations made by the General Council, or by any medical authority under the authority of this Act, shall be made and may be from time to time altered or revoked in such manner, and subject to such approval or confirmation (if any), as in the case of other byelaws, orders, or regulations made by such medical authority.

43 & 44 VICT. CHAPTER II.

A. D. 1880. An Act to authorize the Extension and further Limitation of the Tenures of certain University and College Emoluments limited or to be limited by Orders of the Oxford and Cambridge Commissioners. [2nd August 1880.]

40 & 41  
Vict. c. 48. **W**HEREAS by the thirty-third section of the Universities of Oxford and Cambridge Act, 1877, it is enacted that the Commissioners (meaning the two bodies of Commissioners therein named respectively) may, if they think fit, by writing under their seal from time to time authorize and direct the University (meaning the University of Oxford or Cambridge, as the case may be) or any College or Hall to suspend the election or appoint-

ment to or limit the tenure of any emolument therein mentioned, for a time therein mentioned, within the continuance of the powers of the Commissioners as then ascertained, and that the election or appointment thereto or tenure thereof shall be suspended or limited accordingly<sup>1</sup> : A. D. 1880.

And whereas the powers of the Commissioners were by the said Act to continue until the end of the year one thousand eight hundred and eighty, and no longer, but it was enacted that it should be lawful for Her Majesty the Queen from time to time, with the advice of Her Privy Council, on the application of the Commissioners, to continue the powers of the Commissioners for such time as Her Majesty might think fit, but not beyond the end of the year one thousand eight hundred and eighty-one :

And whereas by Orders in Council dated respectively the twenty-fourth day of March and the twenty-eighth day of April one thousand eight hundred and eighty Her Majesty was pleased to continue the powers of the Commissioners until the end of the year one thousand eight hundred and eighty-one :

And whereas before the making of the said Orders in Council the University of Oxford Commissioners by certain writings under their seal directed that the tenure of certain emoluments mentioned in such writings respectively should be limited until the thirty-first day of December one thousand eight hundred and eighty, being a time within the continuance of the powers of the Commissioners as then ascertained ; and the University of Cambridge Commissioners, on the fourteenth day of March one thousand eight hundred and seventy-eight, by certain other writings under their seal authorized and directed the University of Cambridge and every College therein to limit until the same thirty-first day of December one thousand eight hundred and eighty, the tenure of all emoluments which then were or should become vacant, and to which the said University or any of the said colleges should elect or

<sup>1</sup> 40 & 41 VICT. c. 48. s. 33 (*supra*) :

CH. II] *Universities of Oxford and Cambridge (Limited Tenures) Act, 1880.* [43 & 44 VICT.

A. D. 1880. appoint between the said fourteenth day of March one thousand eight hundred and seventy-eight and the thirty-first day of December one thousand eight hundred and eighty :

And whereas it was the intention<sup>c</sup> of the said Commissioners respectively that the tenure of such emoluments so limited by them respectively should be prolonged by statutes to be made under the powers of the said Act so that the same might continue to be held after the thirty-first day of December one thousand eight hundred and eighty, upon such terms and conditions as should be in such statutes contained ; but no such statutes can now be made so as to take effect before the said thirty-first day of December one thousand eight hundred and eighty :

And whereas it is expedient that the said Commissioners should be enabled to extend the tenure of emoluments which are now held on tenures so limited by them as herein-before mentioned :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as the Universities of Oxford and Cambridge (Limited Tenures) Act, 1880.

Interpreta-  
tion of  
terms.

40 & 41  
Vict. c. 48.

2. In this Act—  
“The Commissioners” mean the Commissioners acting under the Universities of Oxford and Cambridge Act, 1877, and the provisions of this Act shall apply to each of the two bodies of Commissioners separately ;

“The University” means the University of Oxford or that of Cambridge, as the case shall require ;

40 & 41  
Vict. c. 48.

“Emolument” means any University or College emolument within the meaning of the Universities of Oxford and Cambridge Act, 1877.

Power to  
extend  
limited  
tenures of

3. Where the Commissioners have by writing under their seal authorized or directed the University or any College or Hall to limit the tenure of any emolument for a time

therein mentioned, and such emolument is at the time of the passing of this Act held on the tenure so limited, the Commissioners may, if they think fit, by writing under their seal direct that the tenure of the said emolument shall be extended for a further time within the continuance of their powers as ascertained at the time of the sealing of such last-mentioned writing; and in every such case the holder of the emolument shall be entitled to continue to hold it during the extended period on the same terms and in the same manner as if such extended period had been the period of tenure fixed by the original limitation.

A. D. 1880.  
University  
and College  
emolu-  
ments.

4. The Commissioners may also, if they think fit, from time to time by writing under their seal, direct that the tenure of any emolument which may have been limited by them under the said recited Act or this Act shall be further extended, or that any new election or appointment to any University or College emolument after the passing of this Act shall be made and take effect, subject in each case to the condition that the person whose tenure is so limited, or who shall be so elected or appointed, shall, from and after the approval by Her Majesty in Council of any new statutes which may be made by the Commissioners in relation to such emolument, hold the same subject and according to the provisions of such new statutes (including any provision relating particularly to the person whose tenure is so limited or who shall be so elected or appointed), and such emolument shall be tenable accordingly.

Limited  
emolu-  
ments and  
future elec-  
tions may  
be made  
subject to  
future sta-  
tutes.

#### 43 & 44 VICT. CHAPTER 20.

An Act to repeal the duties on Malt, to grant and alter certain duties of Inland Revenue, and to amend the Laws in relation to certain other duties. [12th August 1880.]

[The Act abolishes the malt duty and imposes new duties on brewers' licences, and licences for selling by retail cider, sweets, beer, wine, and spirits.] •



A. D. 1880. 48. Nothing in this Act contained shall in anywise alter or affect the rights and privileges now existing under the charters of—

Saving rights under certain charters.

(1.) Any university in the United Kingdom,<sup>1</sup>

. . . . .

43 & 44 VICT. CHAPTER 46.

An Act to amend the Universities and College Estates Act, 1858. [7th September 1880.]

WHEREAS it is expedient to amend the provisions of the Universities and College Estates Act, 1858:

21 & 22 Vict. c. 44.<sup>2</sup>

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 1. This Act may be cited as the Universities and College Estates Amendment Act, 1880, and this Act and the Universities and College Estates Act, 1858, and the Universities and College Estates Act Extension, 1860, may be cited collectively as the Universities and College Estates Acts, 1858 to 1880.

21 & 22 Vict. c. 44.<sup>2</sup>  
23 & 24 Vict. c. 59.<sup>3</sup>

2.—(1.) The purchase money of land sold by a university or college under the Universities and College Estates Act, 1858, or any other Act amending the same, shall, with the consent of the Copyhold Commissioners, be from time to time applicable by the university or college in the repayment of any money borrowed under any of those Acts, or to any of the purposes to which money so borrowed is applicable under those Acts.

Application of purchase money for land sold by university or college.

21 & 22 Vict. c. 44.

(2.) Where any such purchase money is so applied, the like provision shall be made by the university or college for replacing the same as is by section twenty-eight of the Universities and College Estates Act, 1858, required to be

21 & 22 Vict. c. 44.

<sup>1</sup> As to the rights of the Universities with respect to wine licences see note to 32 & 33 Vict. c. 27, s. 20 (*supra*).

<sup>2</sup> *Supra*.

<sup>3</sup> *Supra*.

43 & 44 VICT.] *Universities and College Estates* [CH. 46  
*Amendment Act, 1880.*

made for the repayment of money borrowed under that A. D. 1880.  
 Act: Provided that where any such purchase money is  
 applied in repayment of a loan, it shall be replaced within  
 or at the expiration of the period limited for repayment of  
 the loan and upon the terms mentioned in the order of the  
 Copyhold Commissioners by which their consent to the  
 loan is or was evidenced.

(3.) The consent of the Copyhold Commissioners shall  
 be evidenced by an order under their hands and common  
 seal in the form or to the effect set forth in the schedule to  
 this Act.<sup>1</sup>

3. Any moneys applicable under the said Acts to or for  
 any of the purposes mentioned in the twenty-seventh  
 section of the Universities and College Estates Act, 1858,  
 may also be applied, by and under the authority of the  
 said Copyhold Commissioners, in or towards the restora-  
 tion or rebuilding of the chancel of any church which the  
 university or college to which such moneys belong may be  
 by law liable to restore or rebuild.

Rebuilding  
 of chancels  
 to be with-  
 in Act.  
 21 & 22  
 Vict. c. 44.

4. The provisions of this Act shall apply as well to  
 moneys which have arisen from any sale, enfranchisement,  
 or exchange of lands belonging to a university or college  
 under and by virtue of the aforesaid Acts, as to moneys  
 belonging solely to any such university or college which  
 may have arisen from the sale, enfranchisement, or exchange  
 of any such lands under any other Act of Parliament, or  
 otherwise howsoever, and which may be now or hereafter  
 standing to the account or credit of any cause or matter in  
 the Supreme Court of Judicature or in Her Majesty's High  
 Court of Justice, or any division thereof, or in the names of  
 trustees nominated in pursuance of any Act of Parliament.

Act to  
 apply to  
 moneys in  
 court.

5. And whereas by section seven of the Universities and  
 College Estates Act Extension Act, 1860, and the enact-  
 ments therein referred to, provision is made for the sever-  
 ance of benefices from headships of colleges by means of

Severance  
 of benefices  
 from head-  
 ships of  
 colleges.  
 23 & 44  
 Vict. c. 59.

<sup>1</sup> This subsection and the Schedule were repealed by 61 & 62 Vict. c. 22  
 s. 8 (1) (*infra*).

CH. 46] *Universities and College Estates* [43 & 44 VICT.  
*Amendment Act, 1880.*

A. D. 1880. the sale of the advowsons of the benefices,<sup>1</sup> and it is expedient that further and better provision be made for such severance: Be it therefore enacted, that where a benefice is by statute or otherwise annexed to the headship of a college as part of the endowment of the headship, and it appears that the endowments of the benefice are sufficient to bear such a charge as is herein-after mentioned, the college may by deed charge the whole or any part of the land or other endowments of the benefice with the payment to the head of the college for the time being of such an annual sum, not exceeding one half of such endowments, as is in the opinion of the Ecclesiastical Commissioners for England and the bishop of the diocese proper and adequate, regard being had to the value of the benefice, the requirements of the college, and the population and other circumstances of the parish, and thereupon the advowson and right of presentation of and in such benefice shall be vested in the college freed and discharged from any trust in favour of the head for the time being.

SCHEDULE.

1.

*Form of Order authorizing the application of Purchase Money in repayment of Money borrowed.*

COPYHOLD COMMISSION.

In the matter of the Universities and College Estates Acts, 1858 to 1880, ex parte [*here state title of university or college*].

Whereas there is now standing in the books of the Governor and Company of the Bank of England, to the credit of the account of the Copyhold Commissioners, ex parte [*here state the particular account*] the sum of £ [*insert the amount of cash or stock*], being moneys received from the sale [*or enfranchisement, or for equality of exchange, as the case may be*] of certain lands belonging to the said university [*or college*] by virtue of certain orders here-

<sup>1</sup> See also 3 & 4 Vict. c. 113. s. 69, and note thereto (*supra*).

43 & 44 VICT.] *Universities and College Estates* [CH. 46  
*Amendment Act, 1880.*

tofore issued by the said Commissioners under the provisions of the A. D. 1880. said Acts :

And whereas by an order [*or orders*] of the said Commissioners, dated , the said university [*or college*] was authorized to raise the sum [*or sums*] of £ for the purpose of [*here insert nature of loan*].

And whereas there is now owing by the said university [*or college*] the sum [*or sums*] of £ , being part of moneys borrowed by the said university [*or college*] under the above-mentioned orders on the security of their lands ; and it has been represented to the said Commissioners that the said first-mentioned sum of £ [*or the sum of £* , part of the said first-mentioned sum of £ ] may be properly applied in [*or towards*] the discharge of the said debt :

Now the said Commissioners, being of opinion that the proposed application of the said money will be advantageous and for the interests of the said university [*or college*] and their successors, do hereby approve of the same, and do direct that the said sum of £ [*or the said sum of £* ] to be paid or raised out of the said sum of £ ] now standing to the credit of the said account, be applied in [*or towards*] payment of the said debt.

But so nevertheless that the said sum of £ be replaced to the credit of the said account within the period and upon the terms specified in the order [*or orders*] authorizing the original loan [*or loans*].

Witness their hands and common seal this day of .

2. •

*Form of Order authorizing the application of Purchase Money for improvement purposes [or for loss of Fines through non renewal of Leases].*

COPYHOLD COMMISSION.

In the matter of the Universities and College Estates Acts, 1858 to 1880, ex parte [*here state title of university or college*].

Whereas there is now standing in the books of the Governor and Company of the Bank of England, to the credit of the account of the Copyhold Commissioners, ex parte [*here state the particular*

CH. 46] *Universities and College Estates* [43 & 44 VICT.  
*Amendment Act, 1880.*

A. D. 1880. *accounts*] the sum of £ [here insert the amount of cash  
 or stock] being moneys derived from the sale [or enfranchisement,  
 or for equality of exchange, as the case may be] of certain lands  
 belonging to the said university [or college] by virtue of certain  
 orders heretofore issued by the said Commissioners under the pro-  
 visions of the said Acts :

And whereas a statement has been submitted to the said Com-  
 missioners on behalf of the said university [or college], containing  
 a proposal for the application of the said sum of £ [or the  
 sum of £ part of the said sum of £ ] to [here  
 name the purpose to which it is proposed to apply the money] the said  
 application being one within the provisions of the said Acts :

Now the said Commissioners, being of opinion, upon considera-  
 tion of the circumstances that the proposed application of the said  
 money will be advantageous and for the interests of the said  
 university [or college] and their successors, do hereby direct that  
 the said sum of £ [or the said sum of £ ]  
 to be paid or raised out of the said sum of £ ] now  
 standing to the credit of the said account be applied to the purpose  
 aforesaid.

But so nevertheless that the said sum of £ be replaced  
 to the credit of the said account [here state the period and manner of  
 repayment].

Witness their hands and common seal this day of .

44 VICT. CHAPTER xxxix.

A. D. 1881. An Act for continuing and maintaining a United  
 Constabulary Force in and for the University  
 and City of Oxford.<sup>1</sup> [3rd June 1881.]

31 & 32  
 Vict. c.  
 lix.<sup>2</sup>

WHEREAS by the Oxford Police Act 1868 (herein-  
 after called "the Act of 1868") after reciting that  
 the powers of watch and ward within the University and  
 City of Oxford had been theretofore customarily exercised  
 during the night by the chancellor-masters and scholars of

<sup>1</sup> This Act, except ss. 22 and 23, was repealed by Art. XXVIII (1) of the  
 Oxford Order, 1889, confirmed by 52 & 53 Vict. c. xv (*infra*).

<sup>2</sup> *Supra*.

the University of Oxford and during the day by the mayor A. D. 1881. aldermen and citizens of the City of Oxford and that this division of authority had been found very inconvenient and injurious to the efficiency of the police within the said university and city it was enacted that from and after the thirty-first day of December one thousand eight hundred and sixty-eight the powers and duties of the watch and ward committee theretofore appointed by the mayor aldermen and citizens (herein-after called "the watch and ward committee") should cease and the powers of watch and ward by day and night within the district as defined by that Act should be exercised as therein provided and that there should be one constabulary force for the whole of the district and that the management of this force should be vested in a Police Committee to be appointed as in the Act of 1868 provided and it was further enacted that the Act of 1868 should continue in force until the first day of January one thousand eight hundred and eighty-two and no longer unless Parliament in the meantime should otherwise provide:

And whereas it is expedient that the powers formerly exercised by the watch and ward committee and now exercised by the Police Committee appointed under the Act of 1868 should after the thirty-first day of December one thousand eight hundred and eighty-one be exercised by a Police Committee to be appointed as herein-after provided and that a united police force should be continued and maintained in manner herein-after appearing:.

And whereas the object aforesaid cannot be carried into effect without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited for all purposes as the Oxford Short title. Police Act 1881.

A. D. 1881.

Interpreta-  
tion of  
terms.

2. In the construction of this Act (if not inconsistent with the context) the words and expressions "university" "chancellor masters and scholars" "vice-chancellor" "proctors" "pro-proctors" "registrar" and "marshal" shall be respectively understood to refer to the University of Oxford the words "city" "mayor" "town clerk" and "borough fund" shall be understood to refer to the City of Oxford the expression "the convocation" shall mean the chancellor masters and scholars of the University of Oxford in convocation the word "college" shall include Christ Church and the expression "the council" shall mean the mayor aldermen and citizens of the City of Oxford in council the expression "the Police Committee" shall mean the Police Committee to be appointed under the powers of this Act the word "district" shall mean and include the district for the time being of the Oxford Local Board and the expression "the local board" shall mean the Oxford Local Board.

Establish-  
ment of a  
united con-  
stabulary  
force and  
Police  
Commit-  
tee.

3. From and after the thirty-first day of December one thousand eight hundred and eighty-one the powers of watch and ward now exercised by day and night within the district under the powers of the Act of 1868 shall be exercised as follows there shall be one constabulary force for the whole of the district and the determination of the number the appointment dismissal and entire management and direction of that force shall be vested in a Police Committee which shall consist of five members of the convocation (herein-after called "university members") to be annually appointed by the convocation and of ten members of the council (herein-after called "city members") to be annually appointed by the council.

Appoint-  
ment of  
members of  
Police  
Commit-  
tee.

4. The first appointment of members of the Police Committee by the convocation and the council respectively shall be made on or before the fifteenth day of November one thousand eight hundred and eighty-one and subsequent appointments shall be made on or before the fifteenth day of November in each year any university or city member going out of office shall be capable of forthwith being re-

elected occasional vacancies in the Police Committee shall be filled up by the convocation or the council respectively as they may occur and the persons appointed to supply such vacancies shall continue in office so long as the persons whose places they fill would have remained in office. A. D. 1881.

5. The registrar shall from time to time with all convenient speed notify in writing to the mayor and to the clerk of the Police Committee all appointments of members of the Police Committee made by the convocation and the town clerk shall in like manner notify in writing to the vice-chancellor and to the clerk of the Police Committee all appointments of members of the Police Committee made by the council. Appointments by convocation and council respectively to be notified.

6. The Police Committee may appoint a clerk and a treasurer if necessary and may pay them reasonable salaries and may make such rules as the Police Committee may think fit with respect to the meetings of that Committee and the transaction of its business Provided that no business shall be transacted at any meeting unless at least five members shall be present thereat and all questions shall be decided by a majority of the votes of those present. Power to Police Committee to appoint and pay officers and to make rules.

7. The Police Committee shall yearly at their first meeting appoint a chairman and vice-chairman for the year if the chairman so appointed be absent from any meeting at the time appointed for holding the same then the vice-chairman shall act as chairman and if both be absent then the members present shall appoint one of their number to act as chairman thereat if the chairman appointed as first aforesaid or the vice-chairman die resign or become incapable of acting another member shall be appointed to be chairman or vice-chairman as the case may require for the period during which the person so dying resigning or becoming incapable would have been entitled to remain in office and no longer and the chairman at any meeting shall have a second or casting vote in case of an equality of votes. Appointment of chairman and vice-chairman of Police Committee.

8. The powers and duties formerly vested in the watch and ward committee and since the thirty-first day of Powers of watch and ward com-.



A. D. 1881. **December** one thousand eight hundred and sixty-eight in the police committee appointed under the Act of 1868 shall from and after the said thirty-first day of December one thousand eight hundred and eighty-one be vested in the Police Committee and any act for which if done by the watch and ward committee the consent or approbation of the council would before the passing of the Act of 1868 have been required may be done by the Police Committee without such consent or approbation and the Police Committee shall and may have exercise and fulfil within the district or any part thereof the same rights powers and duties in respect of watch and ward as were before the passing of the Act of 1868 possessed exercised and fulfilled by the chancellor masters and scholars except as herein-after excepted by sections nine and twenty-three of this Act.

Police station for the district. **9.** All persons apprehended shall be taken to and all charges or complaints shall be made and entered at the common police station provided within the district under the powers of the Act of 1868 or some other common police station to be provided in lieu thereof for the purposes of this Act but the establishment of this police station shall in no way prejudice or affect the respective jurisdictions of the vice-chancellor and of the mayor or other justices of the peace for the city in respect of those charges or complaints but those jurisdictions shall remain and the courts or places of meeting of the vice-chancellor and mayor or other justices shall during the hearing of such charges or complaints be respectively free and open to the public without let or hindrance. If the university shall desire at their own expense to retain a separate station for the detention of persons apprehended by the proctors a list of all persons taken to that separate station and not forthwith released by the proctors and of the charges entered against those persons respectively shall be sent to the common police station aforesaid on the following morning and there shall be written upon the list the time and place at which the vice-chancellor will sit for

hearing the charges therein mentioned the time not being A. D. 1881. earlier than one hour after the delivery of the list.

10. For the maintenance of the constabulary force there shall be a fund hereinafter referred to as the "police fund" annually contributed by the chancellor masters and scholars and mayor aldermen and citizens in the following proportions (that is to say) one third thereof by the chancellor masters and scholars and two thirds thereof by the mayor aldermen and citizens.

Provision for a police fund hereinafter referred to as the "police fund."

11. The police fund shall be at the disposal of the Police Committee and shall be applicable to the following purposes:—

Application of police fund.

- (1) The maintenance of the constabulary force and the payment of all charges and expenses properly incurred by the Police Committee in relation thereto;
- (2) The payment of the pensions of former officers of the city gaol and all expenses of buildings required for police purposes;
- (3) The payment of the salaries of the recorder clerk of the peace clerk or clerks to the vice-chancellor (as justice of the peace) and the mayor or other justices and the officers from time to time appointed by the Police Committee and the cost of prosecutions for offences and other expenses connected with the administration of justice within the district;
- (4) The payment of all expenses properly incurred by the Police Committee in carrying this Act into execution not herein expressly provided for.

12. The police committee acting under the Act of 1868 shall between the fifteenth day of November and the twenty-fifth day of December one thousand eight hundred and eighty-one and the Police Committee shall between the fifteenth day of November and the twenty-fifth day of December in every subsequent year make an estimate of the amount required for the purposes to which the police fund is hereby made applicable for the ensuing year com-

Police Committee to prepare estimate.

A. D. 1881. mencing on the first day of January after taking into account all fees payments allowances and other sums of money (other than sums paid by the chancellor masters and scholars and the mayor aldermen and citizens under this and the next following section) received by the Police Committee during the year immediately preceding and shall thereupon give notice in writing to the vice-chancellor and to the mayor respectively specifying in the notice the total amount of the estimate and the sum (being such proportionate part of the said total amount as aforesaid) which is to be paid by the chancellor masters and scholars and the mayor aldermen and citizens respectively in four quarterly payments and the chancellor masters and scholars and the mayor aldermen and citizens shall respectively pay or cause to be paid the sums so charged on them respectively to the Police Committee or their treasurer within twenty-one days after the several days mentioned in the notices respectively for each quarterly payment.

How insufficiency in estimate to be made up. 13. If at any time after the delivery of the notices of the estimate for the then current year the amount so estimated by the Police Committee prove insufficient to defray the expenses of the Police Committee actually and properly incurred by them during the preceding part of the year or if the Police Committee have reason to anticipate that that amount will prove insufficient to meet the expenses which the Police Committee may be properly called upon to incur during the subsequent part of the year the Police Committee may by like notice in writing to the vice-chancellor and the mayor specify the sums necessary to be paid by them respectively in order to make good the deficiency and the chancellor masters and scholars and the mayor aldermen and citizens respectively shall pay or cause to be paid the sums so charged on them respectively in so many payments as there are quarterly days in the unexpired portion of the year the first payment being made on the first day after the delivery of the notice specifying the same on which any quarterly payment of the amount originally estimated becomes payable Provided that any

money which may be received by the Police Committee under this or the last preceding section in excess of the amount which the Police Committee shall at the end of the year in respect of which the same was received by them have actually and properly expended in that year shall be taken into account by the Police Committee in their estimate for the following year. A. D. 1881.

14. The proportionate part of the police fund to be contributed and paid by the chancellor masters and scholars shall be paid by the vice-chancellor out of the corporate or general funds of the university and if those funds upon an estimate thereof made in such manner as the university may from time to time provide shall appear to be insufficient for payment thereof the amount of the estimated deficiency shall not less than fourteen days before the making of the then next general district rate be notified by the vice-chancellor in writing under his hand to the clerk to the local board who shall cause the amount together with any actual or estimated expenses attending the raising thereof to be laid before the local board under the title of "university police expenses" at the same time as the estimate for the next general district rate and the same amount shall be assessed by an equal pound rate on all the rateable property belonging to the chancellor masters and scholars and the several colleges and halls of the university in exclusion of all other property in the district liable to the general district rate and the same amount having been so assessed shall be added to that portion of the general district rate which is leviable on the properties of the chancellor masters and scholars colleges and halls and the same amount together with the portion leviable as last aforesaid shall be inserted in one sum in the columns of the rate book of the local board under the head of the general district rate and the aggregate sum so inserted shall be levied and recoverable as the general district rate and by the means provided for raising that rate. As to the payment of the university contribution to the police fund.

15. The proportionate part of the police fund to be contributed and paid by the mayor aldermen and citizens shall As to payment of the

A. D. 1881.  
city contri-  
bution to  
the police  
fund.

be paid by them out of the borough fund and if upon an estimate of that fund and of all other charges payable thereout the council shall be of opinion that it will be insufficient (after satisfying those other charges) for payment thereof the amount of the estimated deficiency shall not less than fourteen days before the making of the then next general district rate be notified by the mayor in writing under his hand to the clerk to the local board who shall cause the amount together with any actual or estimated expenses attending the raising thereof to be laid before the local board under the title "city police expenses" at the same time as the estimate for the next general district rate and the same amount shall be assessed by an equal pound rate on all property (other than rateable property belonging to the chancellor masters and scholars and the several colleges and halls of the university) in respect of which the general district rate may from time to time be leviable and the same amount having been so assessed shall be added to that portion of the general district rate which is leviable on the said property (other than property belonging to the chancellor masters and scholars colleges and halls) and the same amount together with the portion leviable as last aforesaid shall be inserted in one sum in the columns of the rate book of the local board under the head of the general district rate and the aggregate sum so inserted shall be levied and recoverable as the general district rate and by the means provided for raising that rate.

Police ex-  
penses to  
be paid to  
Police  
Commit-  
tee.

16. All money to be raised as aforesaid by the local board for university police expenses and city police expenses respectively shall when and as collected be paid by the local board to the Police Committee or their clerk or treasurer and the receipt of the clerk or treasurer shall be a sufficient discharge to the local board and its officers and no person liable to the payment of any sum for police expenses under this Act shall during the continuance of that liability be liable to any payment for like purposes leviable under any other authority.

Certain  
moneys

17. All fees allowances and other sums in reference to

matters of police prosecutions maintenance of prisoners and the administration of justice generally which may be payable in any year (except such as are by any Act or Acts from time to time in force required to be paid into any superannuation fund for the benefit of the police force which may be established under the authority of such Acts) shall be paid to the Police Committee and carried by them to the credit of the police fund and shall be taken into account by them in preparing their estimate for the next ensuing year.

A. D. 1881.  
received by  
Police  
Committee  
to be car-  
ried to  
credit of  
police fund.

18. For the purposes of the sixteenth section of the Act of the nineteenth and twentieth years of Her present Majesty chapter sixty-nine intituled An Act to render more effectual the police in counties and boroughs in England and Wales the police force established under the provisions of this Act shall be deemed to be the police of a borough established under the provisions of the said Act of the nineteenth and twentieth years of Her present Majesty and the Acts therein recited and referred to.<sup>1</sup>

Extending  
19 & 20  
Vict. c. 69.  
s. 16 to po-  
lice force  
established  
under this  
Act.

19. The Police Committee shall keep true and accurate accounts of all their receipts and expenditure and such accounts shall be audited and examined once a year in the month of January by two auditors of whom one shall be nominated by the vice-chancellor and proctors and approved by the convocation and is herein-after called "the university auditor" and the other shall be nominated by the council and is herein-after called "the city auditor" and the Police Committee shall after every audit cause a full abstract of such accounts to be printed and copies thereof to be delivered to the vice-chancellor and to the mayor respectively.

Police  
Committee  
to keep  
accounts  
and same  
to be  
audited.

20. The university auditor and the city auditor respectively shall be appointed between the fifteenth day of November in each year and the first day of January next ensuing (the latter day being reckoned inclusively) and shall hold office from the first day of January in every year until and including the first day of January in the ensuing year and occasional vacancies in the office of university

Appoint-  
ment of  
auditors.

<sup>1</sup> See note to 31 & 32 Vict. c. lix, s. 9 (*supra*).

A. D. 1881. auditor shall as soon as may be after they occur be filled up by the vice-chancellor and proctors with the approval of the convocation and occasional vacancies in the office of city auditor shall as soon as may be after they occur be filled up by the council and the persons appointed to supply such vacancies shall continue in office until and including the first day of January succeeding their appointment. The registrar shall from time to time notify in writing to the town clerk and to the clerk of the Police Committee all appointments of university auditors and the town clerk shall in like manner notify to the registrar and to the clerk of the Police Committee all appointments of city auditors and no auditor shall enter upon his office until that notification has been made provided always that the first appointment of university and city auditor shall be made between the fifteenth day of November one thousand eight hundred and eighty-one and the first day of January one thousand eight hundred and eighty-two.

Claims for compensation to be paid out of police fund.

21. In case any claim shall be made on the inhabitants of the city under any Act or law heretofore made or hereafter to be made relating either to riots or malicious injuries for compensation to any person or corporation by reason of damages sustained by any person or corporation in consequence of any riot or malicious injury the police fund shall be the fund from which that compensation shall be made.

Prohibition of public exhibitions.

22. No public exhibition or performance whether strictly theatrical or not other than performances in theatres which are regulated by the Act of the sixth and seventh years of Her present Majesty chapter sixty-eight shall take place within the district<sup>1</sup> unless with the consent in writing of the vice-chancellor and the mayor or (during the academical vacations intervening between Trinity and Michaelmas terms and between Michaelmas and Lent terms respectively) with the consent in writing of the mayor and every person

<sup>1</sup> By Art. XXVIII (2) of the Oxford Order, 1889, confirmed by 52 & 53 Vict. c. xv (*infra*), this section is directed to be altered by the insertion of the words 'the City' in lieu of the words 'the District'.

who shall offend against this enactment shall be liable to a penalty of not exceeding twenty pounds for every offence recoverable in like manner as penalties imposed by the said Act. A. D. 1881.

23. Nothing in this Act shall affect the jurisdiction of the university or of the chancellor or vice-chancellor thereof as it now by law exists nor the jurisdiction of the city or of the mayor as it now by law exists nor the powers of the university now exercised by the proctors and the proctors pro-proctors and their servants including the marshal shall not be deemed to be included within the constabulary force to be appointed under the provisions of this Act. Provided that the chancellor or vice-chancellor shall not during the continuance of this Act appoint any persons as constables under the provisions of the Act of the sixth year of King George the Fourth chapter ninety-seven other than proctors servants (including the marshal) and special constables.<sup>1</sup> Saving jurisdiction of the university and city.

24. This Act shall subject as herein-after provided continue in force in perpetuity. Continuance of Act.

25. If at any time after the expiration of ten years from the passing of this Act or after the expiration of any period of ten years from a revision made under the provisions of this section the convocation and the council shall mutually agree to increase or decrease the total number of members of the Police Committee (so that the number shall not be less than twelve nor more than eighteen) or to vary the number of members of the committee to be annually appointed by the convocation and the council respectively or to revise and vary the proportions of the police fund to be annually contributed by the chancellor masters and scholars and the mayor aldermen and citizens respectively it shall be lawful for the convocation and the council respectively from time to time to enter into valid and binding agreements under their respective common Provision for decennial revision by agreement.

<sup>1</sup> By Art. XXVIII (3) of the Oxford Order, 1889, confirmed by 52 & 53 Vict. c. xv (*infra*), this section is directed to be altered so as to apply to the City and to any constabulary force provided by the Corporation.



A. D. 1881. seals for the above purposes or any of them which agreements shall take effect from the time named therein or if no time be named therein then as to the number of members of the Police Committee from the annual election which shall take place next after the date of the agreement and as to the proportionate contributions to the police fund from the first day of January in the year next following the date of the agreement and unless and until further revised under the powers of this section all agreements made under the powers of this section shall have the same effect as if the provisions thereof had been substituted for the provisions of this Act in regard to the matters therein provided for.

Convoca-  
tion or  
council  
may serve  
notice to  
terminate  
this Act.

26. And at any time after the expiration of ten years from the passing of this Act or after the expiration of any period of ten years from a revision made under the provisions of this Act it shall be lawful either for the convocation or the council to serve a notice in writing under their common seal upon the mayor or the vice-chancellor as the case may be of their desire that the provisions of this Act shall terminate but no such notice shall be served except in the month of September nor unless at least six months previous notice shall have been served either by the convocation or council in writing under their common seal of their desire that any of the matters referred to in the last preceding section should be revised as therein provided and no valid or binding agreement shall have been entered into in respect thereof.

Effect of  
such  
notice.

27. In case a notice of the desire to terminate the provisions of this Act shall have been duly served by either the convocation or the council under the provisions hereinbefore contained this Act shall not continue in force after the thirty-first day of December in the year next following the year in which that notice shall have been given.

Expenses  
of Act.

28. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid out of the police fund.

45 & 46 VICT. CHAPTER 50.

An Act for consolidating, with Amendments, enact- A. D. 1882.  
ments relating to Municipal Corporations in  
England and Wales. [18th August 1882.]

1. This Act may be cited as the Municipal Corporations Short title.  
Act, 1882.

4. This Act shall commence and have effect from and Commence-  
immediately after the thirty-first of December one thousand ment.  
eight hundred and eighty-two.

5. The enactments described in the First Schedule are Repeals.  
hereby repealed, subject to the exceptions and qualifica-  
tions in this Act mentioned.

*Cambridge.*

249.—(1.) It shall be lawful for the Queen, from time *Cambridge.*  
to time, by her commission of the peace for the borough of Vice-Chan-  
Cambridge, to constitute the Vice-Chancellor for the time cellor of  
being of the University of Cambridge a justice for that Cam-  
borough. bridge.

(2.) He shall not, by reason of being so constituted, have  
any greater authority as to the grant of licences to ale-  
houses than any other justice named in the commission.

(3.) But nothing in this section shall affect the rights and  
privileges which the Vice-Chancellor lawfully has or enjoys,  
or might have lawfully had or enjoyed if he were not so  
constituted a justice.

*Savings.*

257. Nothing in this Act shall—

(1.) Affect the rights, privileges, duties, or liabilities of *Saving for*  
the chancellor, masters, and scholars of the Universities of universi-  
ties.

CH. 50]. *Municipal Corporations Act, 1882.* [45 & 46 VICT.

A. D. 1882. Oxford and Cambridge respectively, as by law possessed under the respective charters of those universities or otherwise; or

(2.) Entitle the mayors of Oxford and Cambridge respectively to any precedence over the vice-chancellors of those universities respectively; or

(3.) Entitle any person to be enrolled a citizen of the city of Oxford or burgess of the borough of Cambridge by reason of his occupation of any rooms, chambers, or premises in any college or hall of either of those Universities; or

(4.) Compel any resident member of either of those universities to accept any office in or under the municipal corporation of Oxford or Cambridge<sup>1</sup>; or

(5.) Authorize the levy of any rate within the precincts of those universities, or of any of the colleges or halls thereof, which now by law cannot be levied therein, or make either of those universities, or the members thereof, liable to any rate to which they are not liable to contribute at the commencement of this Act<sup>2</sup>; or

(6.) Authorize the transfer of any rights or liabilities by a local authority to the municipal corporation of the borough of Cambridge without the consent of the chancellor, master,<sup>3</sup> and scholars of the University of Cambridge; or

(7.) Affect the rights or privileges granted by charter or Act of Parliament to the University of Durham.

<sup>1</sup> Subsection (4) does not apply to the offices of such Councillors and Aldermen as now represent the University of Oxford (Art. XXXIII of the Oxford Order, 1889, confirmed by 52 & 53 Vict. c. xv (*infra*)), or the University of Cambridge (Art. XVIII of the Cambridge Order, 1889, confirmed by 52 & 53 Vict. c. cxvi (*infra*)).

<sup>2</sup> Subsection (5) is repealed as to Oxford by Art. XXXIII of the Oxford Order, 1889, confirmed by 52 & 53 Vict. c. xv (*infra*), and as to Cambridge by Art. XVIII of the Cambridge Order, 1889, confirmed by 52 & 53 Vict. c. cxvi (*infra*).

<sup>3</sup> *Sic.*

SCHEDULES.

A. D. 1882

THE FIRST SCHEDULE

ENACTMENTS REPEALED.

PART I.

*Enactments repealed generally.*

5 & 6 Will. 4. c. 76.<sup>1</sup> | The Municipal Corporations Act, 1835.

6 & 7 Will. 4. c. 105.<sup>2</sup> | The Municipal Corporation (Justices, &c.)  
Act, 1836.

45 & 46 VICT. CHAPTER 81.

An Act for disannexing the Rectory of Somersham from the Office of Regius Professor of Divinity in the University of Cambridge, and for making better provision for the Cure of Souls within the said Rectory ; and for other purposes.

[18th August 1882.]

WHEREAS His late Majesty King James the First, for the increase of the stipend of the regius professor or reader of divinity in the University of Cambridge, did by his Letters Patent bearing date the twenty-sixth day of August, in the third year of his reign, grant to the chancellor, masters, and scholars of the said University of Cambridge and their successors all that his advowson, donation, free disposition, and right of patronage of the Rectory of Somersham (together with Colne and Pidley, and other chapelries, rights, members, and appurtenances) in the county of Huntingdon, and did by the same Letters Patent signify and declare it to be his royal will and pleasure that the said rectory should for ever thereafter be held and enjoyed by the said professor for so long time as he should continue in the said office, and did thereby further signify and declare his royal will and intention to

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

A. D. 1882. be that an Act of Parliament should be obtained for that purpose :

And whereas by an Act passed in the tenth year of Her late Majesty Queen Ann<sup>1</sup> for, amongst<sup>d</sup> other things, confirming and rendering more effectual the said Letters Patent, it was enacted that the canonry and rectories in the said Act mentioned should be annexed to the offices or places also in the said Act mentioned, namely, among others, that the said Rectory of Somersham, and all members, tithes, lands, tenements, hereditaments, profits, and emoluments whatsoever thereto belonging, or in any-wise appertaining, or with the same used or enjoyed, was and should thereby be united and for ever annexed unto the said office or place of regius professor of divinity, and should be held and enjoyed by the person already placed in the said office or place; and by such other person or persons as should from time to time for ever thereafter be placed and put into the said office or place in as full and ample manner to all intents and purposes as if they were duly presented, nominated, admitted, instituted, and inducted thereunto; and the said professor or reader and his successors for the time being, during such time or times only as they should continue in the said office or place, should by virtue of such office or place for ever thereafter have and hold the said rectory without any presentation, admission, institution, or induction, or any other act or thing whatsoever to entitle them thereunto, and should be and were thereby declared to be during their continuance in the said office or place full and perfect incumbents of the said rectory to all intents and purposes whatsoever; and that so often as it should happen that the said office or place should become void by death, resignation, or otherwise, the said rectory should at the same time become void, and the person that should be placed in such office or place so become void should by virtue of such office or place only have and enjoy the said rectory for so long time as he should continue in such office or place and no longer: And

<sup>1</sup> 10 Ann. c. 45 [c. 12., Ruff.] (*supra*).

it was thereby provided that the said professor should A. D. 1882. celebrate divine service and perform all other parochial duties relating to the cure of souls within the said rectory which any other rector of the said rectory had theretofore done and performed, and were<sup>1</sup> by law obliged to do and perform, or should allow to learned and able curates to be licensed by the bishop or ordinary of the diocese who should be constantly residing within the said rectory such competent salaries and stipends as the said bishop or ordinary should judge sufficient: And it was thereby also provided that neither that Act nor anything therein contained should excuse or be construed to excuse the said professor from the payment of first fruits and tenths, or from the payment of all dues of what kind soever to the bishop or other ordinary who before the making of that Act had lawful right to claim the same, or from canonical obedience to the bishop or ordinary of the said diocese, but such professor should be obliged to make payment thereof:

And whereas it has been found that by reason of the duties belonging to his office of professor the said regius professor is unable to celebrate divine service and to perform in person the other parochial duties relating to the cure of souls within the said rectory, and it is expedient that the said regius professor should devote himself entirely to the duties of his office of professor, and that divine service should be celebrated and all other parochial duties performed within the said rectory by some person appointed for that purpose with permanence of tenure:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Somers- Short title.  
sham Rectory Act, 1882.

2. This Act shall commence and take effect from and Com-  
mencement  
of Act.

<sup>1</sup> *Sic.*

A. D. 1882. after the time of the next and first avoidance of the office or place (in this Act called the office) of regius professor or reader of divinity in the University of Cambridge (in this Act called regius professor) which shall happen after the passing of this Act, or from and after any earlier time at which the person holding at the time of the passing of this Act the office of regius professor shall, by writing under his hand addressed and sent to the chancellor, masters, and scholars of the University of Cambridge (in this Act called the chancellor, masters, and scholars), and also to the bishop or ordinary of the diocese, resign the Rectory of Somersham, in the county of Huntingdon; and the person so holding the office of regius professor is by this Act authorised to resign the same rectory accordingly without resigning the office of regius professor.

Rectory of Somersham to be disannexed from regius professorship. 3. Immediately after the commencement of this Act the Rectory of Somersham (in this Act called the rectory), together with Colne and Pidley, and other chapelries, rights, members, and appurtenances, in the county of Huntingdon, and all members, tithes, lands, tenements, hereditaments, profits, and emoluments whatsoever belonging or in anywise appertaining to that rectory or with the same used or enjoyed (all of which are in this Act included under the expression the rectory), shall be severed and for ever disannexed from the office of regius professor; and the person who shall after the commencement of this Act be the regius professor for the time being shall no longer by virtue of his office have or hold the rectory or become the incumbent thereof.

Rectory vested in the University of Cambridge. 4. After the commencement of this Act the rectory and all the estate and interest therein which the regius professor as rector thereof or his successors has or had, or would have had therein if this Act had not been passed, shall, without any conveyance thereof or any assurance in law other than the provisions of this Act, forthwith become and be vested in the chancellor, masters, and scholars for ever for the purposes and subject to the provisions of this Act, and the chancellor, masters, and scholars shall for ever thence-

forth receive all the tithes, rents, profits, and emoluments payable in respect of the rectory to the rector thereof for the time being. A. D. 1882.

5. After the commencement of this Act the chancellor, masters, and scholars shall, for the purpose of enforcing payment of all tithes, rents, profits, and emoluments of the rectory, and of obtaining possession of all tithes, lands, tenements, and other hereditaments becoming vested in them under this Act, and of recovering the rents and profits thereof, have and enjoy all rights, powers, and remedies at law and in equity of a rector of the rectory duly presented and instituted or collated and inducted thereto. University to have powers of rector.

6. After the commencement of this Act neither the regius professor for the time being nor the chancellor, masters, and scholars shall be required, nor shall it be lawful for him or them by virtue of the office of regius professor or of rector of the rectory, to celebrate divine service or perform any other parochial duties relating to the cure of souls within the rectory, or to appoint any curate or curates for such purposes or any of them, and neither the regius professor for the time being nor the chancellor, masters, and scholars shall owe any canonical obedience to the bishop or ordinary of the diocese within which the rectory is or may be situated. Neither professor nor university to have cure of souls.

7. After the commencement of this Act there shall by virtue of this Act be constituted a vicarage of Somersham (in this Act called the vicarage), and for the purpose of celebrating divine service and performing all other parochial duties relating to the cure of souls within the rectory there shall be appointed a duly qualified clerk to be the vicar of Somersham (in this Act called the vicar), who shall celebrate divine service and perform all other parochial duties relating to the cure of souls within the rectory which the regius professor as rector of the rectory, or the curate or curates appointed by him, has or have usually done or performed, or was or were by law obliged to do or perform, and the vicar shall owe canonical obedience to the bishop. Vicarage constituted with cure of souls.



A. D. 1882. or ordinary of the diocese within which the rectory is or may be situated.

Patronage of vicarage vested in bishop of diocese. 8. The perpetual advowson, donation, free disposition, and right of patronage of the vicarage shall be and the same is by this Act vested in the bishop or ordinary of the diocese, who shall from time to time collate some fit and proper person to the vicarage.

Rectory income to be divided between regius professor and vicar. 9. After the commencement of this Act the chancellor, masters, and scholars shall out of the tithes, rents, profits, and emoluments of the rectory pay all expenses, charges, and other outgoings, including the costs of repairing the chancel of the parish church of Somersham and of the two churches in Colne and Pidley, at any time before the passing of this Act paid by the regius professor as rector, other than the salaries or stipends of any curates appointed for the celebration of divine service and the performance of other parochial duties relating to the cure of souls within the rectory, and shall divide the net annual surplus of such tithes, rents, profits, and emoluments, after payment thereof of all such outgoings as aforesaid, into twenty equal parts, and shall pay ten of such parts to the regius professor for the time being, and shall pay the remaining ten of such parts to the vicar for the time being for the benefit of himself and of his two curates as herein-after provided.

Vicar to employ two curates. 10. The vicar shall appoint and constantly provide at least two learned and able curates (to be duly licensed by the bishop or ordinary of the diocese), who shall be resident within the rectory, to assist him in the celebration of divine service, and the performance of all other parochial duties relating to the cure of souls within the rectory, and the vicar shall in every year, out of the income represented by the ten parts to be paid to him as by this Act provided of the said annual surplus, pay and apply three of such parts to the curate assigned to Pidley and two other such parts to the curate assigned to Colne.

Vicar to have rectory house. 11. The vicar shall by virtue of his office of vicar have, hold, occupy, and enjoy for his own use, so long as he continues vicar, the rectory house at Somersham, and the

garden and ground belonging thereto and<sup>a</sup> usually occupied A. D. 1882. therewith.

12. Every vicar of Somersham shall have all such claims, rights, remedies, and powers of recovery against the rector or vicar his predecessor, or against the representatives of the rector or vicar his predecessor, in respect of dilapidations to the rectory house, garden, and ground as would have belonged to or been possessed by the person succeeding to the office of regius professor against his predecessor in that office, or against the representatives of such predecessor, if this Act had not been passed. Vicar to be responsible for dilapidations.

13. All first fruits and other dues which before the passing of this Act have been payable in respect of the rectory upon the appointment of any person to the office of regius professor shall after the commencement of this Act become due and be payable upon the collation of a vicar to the vicarage, and first fruits or other dues shall no longer become due or be payable in respect of the rectory upon the appointment of any person to the office of regius professor. First fruits to be payable on collation of vicar.

14. The chancellor, masters, and scholars shall out of the tithes, rents, profits, and emoluments received by them as rectors of the rectory pay all first fruits and tenths, and payments so made shall be outgoings within the meaning of this Act payable before the division by this Act directed to be made of the net annual surplus of the tithes, rents, profits, and emoluments of the rectory. First fruits to be paid out of rectory income.

15. All costs of or incident to preparing, obtaining, and passing this Act shall be paid by the chancellor, masters, and scholars. Provision as to costs of this Act.

#### 46 & 47 VICT. CHAPTER CCX.

An Act to authorise the construction of a Railway from Oxford to Aylesbury and for other purposes.<sup>1</sup> A. D. 1883.

[20th August 1883.]

<sup>1</sup> The Railway authorized by this Act was abandoned. See 51 & 52 Vict. c. clxxxv (*infra*).

Ch.ccx] *Oxford, Aylesbury, and Metropolitan* [46 & 47 VICT.  
*Railway Act, 1883.*

A. D. 1883. 1. This Act may be cited as the Oxford Aylesbury and  
Short title. Metropolitan Junction Railway Act 1883.

Protecting  
property of  
Magdalen  
College  
Oxford. 11. For the protection of the College of St. Mary Magdalen  
in the University of Oxford and the President and Scholars  
of the said College for the time being the Company shall  
notwithstanding anything to the contrary contained in this  
Act or anything shown on the deposited plans and sections  
be subject except in so far as may be otherwise agreed  
between the said President and Scholars and the Company  
to the following conditions and stipulations:—

- (1.) The Company shall not take compulsorily under the  
powers of this Act the property shown on the de-  
posited plans and numbered 4 on the said plans  
and described in the deposited book of reference  
as garden ground in the place known as King's  
Mill but may acquire the same only with the con-  
sent in writing of the said President and Scholars  
of the said College.
- (2.) The Company shall not without such consent as  
aforesaid use for station purposes any part of the  
properties numbered 1 2 3 4 5 6 and 7 on the de-  
posited plans in the said extra-parochial place  
taken or acquired by them under this Act but  
such properties so taken or acquired by them shall  
be used only for making and maintaining the line  
of the railway.
- (3.) The Company shall construct the railway to the east  
of and at a distance of not less than thirty feet  
from any part of the present eastern boundary  
fence of the said property numbered 4 on the  
deposited plans in the said place known as King's  
Mill and the railway shall in traversing the proper-  
ties numbered 1, 2, and 3 on the deposited plans  
in the said extra-parochial place be constructed in  
a cutting so that the surface of the rails shall not  
be raised higher above Ordnance datum than is  
indicated upon the deposited sections and the

46 & 47 VICT.] *Oxford, Aylesbury, and Metropolitan* [Ch. ccx  
*Railway Act, 1883.*

- Company shall erect and maintain a good iron- A. D. 1883.  
• wire fence on either side of the said cutting to the  
satisfaction of the surveyor for the time being of  
the said President and Scholars of the said College.
- (4.) The Company shall construct and maintain an occu-  
pation bridge at a point forty-seven chains or  
thereabouts from the commencement of the rail-  
way for the purpose of carrying over the railway  
the road numbered 3 on the deposited plans in the  
said place known as King's Mill and such bridge  
shall be not less than twelve feet in width and the  
approaches to such bridge shall not be steeper than  
1 in 15 and the slopes of the embankment to such  
bridge shall be planted with shrubs and maintained  
in good order and such shrubs shall from time to  
time be replaced as occasion may require and the  
stipulations of this sub-section shall be carried into  
effect by the Company to the satisfaction of the  
said surveyor of the said College.
- (5.) The Company shall pay to the said President and  
Scholars of the said College all reasonable costs to  
be incurred by them and their surveyor in or about  
carrying into effect the stipulations of this section.

47 & 48 VICT. CHAPTER 34.

An Act to extend the Hours of Polling at Parlia- A. D. 1884.  
mentary and Municipal Elections in certain  
Boroughs.<sup>1</sup> [28th July 1884.]

[Section 1 requires the poll to be opened at 8 a.m. and  
closed at 8 p.m. at parliamentary elections for every  
parliamentary borough having three thousand regis-  
tered electors, and at municipal elections for every  
municipal borough wholly or in part co-extensive or  
included in such a parliamentary borough.]

<sup>1</sup> This Act was repealed by 48 & 49 Vict. c. 10 (*Infra*).

A.D. 1884. In this Act—

2.  
Defini-  
tions.

The expression “parliamentary borough” means any city, borough, place, or combination of places (not being a county at large or division of a county at large, or university or universities) which returns a member or members to serve in Parliament ;

# 47 & 48 VICT. CHAPTER lxxxiii.

An Act to confirm certain Provisional Orders of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, as amended by the Poor Law Amendment Act, 1868, and extended by the Poor Law Act, 1879, relating to the City of Oxford and the Parish of Saint Mary, Whitechapel. [3rd July 1884.]

WHEREAS the Local Government Board have made the Provisional Orders set forth in the Schedule hereto, under the provisions of the Poor Law Amendment Act, 1867, as amended by the Poor Law Amendment Act, 1868, and extended by the Poor Law Act, 1879 :

30 & 31  
Vict. c.  
106.

31 & 32  
Vict. c.  
122.

42 & 43  
Vict. c. 54.

And whereas it is requisite that the said Orders should be confirmed by Parliament :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

The Orders  
in Schedule  
confirmed.

1. The Orders set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Short title  
of the Act.

2. This Act may be cited as the Local Government Board’s Provisional Orders Confirmation (Poor Law) (No. 13) Act, 1884.

SCHEDULE.

A. D. 1884.

CITY OF OXFORD.

*Oxford  
Order.*

*Provisional Order for altering and amending a Local Act.*

To the Guardians of the Poor within the City of  
Oxford ;—

To the Vice-Chancellor of the University of Oxford ;—

And to all others whom it may concern.

WHEREAS the provisions of a Local Act of Parliament passed in the seventeenth and eighteenth years of the reign of Her present Majesty Queen Victoria, intituled, "An Act "to repeal 'An Act for better regulating the Poor within "'the City of Oxford,' and to grant more effectual powers "in lieu thereof, and also to provide for rating to the relief "of the Poor certain hereditaments within the University of "Oxford"<sup>1</sup> (herein-after referred to as "the Local Act"), are in force in the City of Oxford (herein-after referred to as "the City") ;

And whereas by Section 32 of the Local Act it is (inter alia) enacted that the Guardians of the Poor within the City (herein-after referred to as "the Guardians") shall ascertain the sum which they shall judge necessary to be raised for the relief and maintenance of the Poor of the Parishes in the City, and for the other purposes of the Local Act, which sum, together with the amount of the expenses of collecting the same, shall be raised by equal pound rates or assessments on the rateable property therein mentioned ;

And whereas by Section 33 of the Local Act, the Vice-Chancellor of the University of Oxford for the time being (herein-after referred to as "the Vice-Chancellor") is empowered and required to direct the time within which the moneys to be raised by the said rates and assessments on the rateable property in the said University and the Colleges and Halls within the limits of the Local Act, shall be paid to the Vice-Chancellor or to the University bailiff for the time being, or such other person or persons as the Vice-Chancellor shall appoint to collect or receive the same ;

<sup>1</sup> 16 & 17 Vict. c. ccxix (*supra*).

Ch. lxxxiii] *Local Government Board's* [47 & 48 VICT.  
*Provisional Orders Confirmation (Poor Law)*  
(No. 13) Act, 1884.

A. D. 1884. And whereas the Guardians have applied to the Local Government Board to issue a Provisional Order to alter the Local Act as herein-after mentioned :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 2 of the Poor Law Amendment Act, 1867, as amended by Section 3 of the Poor Law Amendment Act, 1868, and as extended by Section 9 of the Poor Law Act, 1879, and by any other Statutes in that behalf, do hereby order that from and after the date of the Act of Parliament confirming this Order, the Local Act shall be altered and amended so as to provide as follows :—

Article I. The Guardians shall pay to the person for the time being appointed by the Vice-Chancellor in pursuance of Section 33 of the Local Act, to collect and receive the moneys therein referred to, a salary at the rate of Twenty Pounds per annum or such other remuneration, by way of annual salary, as the Local Government Board may, on the application of the Guardians and with the consent of the person, if any, then holding such office, from time to time direct or approve.

Article II. Such remuneration shall be included in the sum to be raised under the provisions of Section 32 of the Local Act ; and shall be considered as accruing from day to day and be apportioned in respect of time accordingly, in pursuance of the provisions of " The Apportionment Act, 1870." <sup>1</sup>

Given under the Seal of Office of the Local Government Board, this Fifteenth day of May, One thousand eight hundred and eighty-four.

(L. S.) CHARLES W. DILKE, President.  
HUGH OWEN, Secretary.

48 VICT. CHAPTER 10.

A. D. 1885. An Act to extend the Hours of Polling at Parliamentary and Municipal Elections.

[28th April 1885.]

<sup>1</sup> 23 & 24 Vict. c. 35.

[Section 1 requires the poll at every parliamentary and every municipal election to be kept open from 8 a.m. to 8 p.m. and no longer.] A. D. 1885.  
Definitions.

2. In this Act—

The expression “parliamentary election” means an election for a county, city, borough, place, or combination of counties, cities, boroughs, and places (not being any university or universities), which returns any knight of the shire or member to serve in Parliament, and where the same is divided for the purpose of such return includes an election for such division:

. . . . .

[Section 3 repeals upon this Act coming into operation (the end of the then Parliament) 47 & 48 Vict. c. 34 (*supra*).]

48 VICT. CHAPTER 15.

An Act to assimilate the Law affecting the Registration of Occupation Voters in Counties and Boroughs, and for other Purposes.

[21st May 1885.]

15. From and after the passing of this Act section seventy-eight of the Act of Parliament passed in the second and third years of the reign of His Majesty King William the Fourth, chapter forty-five,<sup>1</sup> shall be and the same is hereby repealed. Repeal of  
2 & 3 Will.  
4, c. 45. s.  
78.

Provided that no person shall be prevented by any other Act from being registered as a parliamentary voter in respect of his occupation of any chambers or premises in any of the colleges or halls of the Universities of Oxford or Cambridge.<sup>2</sup>

<sup>1</sup> *Supra*.

<sup>2</sup> See as to this proviso 19 & 20 Vict. c. xvii. s. 24 (*supra*). •



48 & 49 VICT. CHAPTER 76.

A. D. 1885. An Act for the preservation of the River Thames above Teddington Lock for purposes of public recreation, and for regulating the pleasure traffic thereon.<sup>1</sup> [14th August 1885.]

PART III.—GENERAL POWERS.

Conservators may accept and hold land for certain purposes.

17. In addition to their existing powers to take and hold land, it shall be lawful for the Conservators to accept and hold any land which any person may offer to them for dedication to public uses in connexion with the purposes of this Act, upon such terms and conditions as they may see fit, and it shall be lawful for the Corporation of the City of London, or the Metropolitan Board of Works, and for the University of Oxford, or, subject to the provisions of the Municipal Corporations Act, 1882, so far as they are applicable, for the Corporation of the City of Oxford, or any corporation or other person, to give grant dedicate convey or devise any land or right over land to the extent of their estates and interests respectively unto the Conservators for the purpose of enabling the public to use such land or any part thereof as a public highway, or as a place of public resort, or for the purpose of creating bathing places, or camping-grounds, or landing-places, or for any other purposes connected with this Act, any of the provisions of the Act passed in the ninth year of the reign of King George the Second, chapter thirty-six,<sup>2</sup> or any other statute or any rule of law to the contrary notwithstanding.

45 & 46  
Vict. c. 50.

Jurisdiction of certain justices.

23. For the purposes of this Act, and of every byelaw to be made by the Conservators thereunder, the jurisdiction of all justices of the peace for the counties of Surrey, Berkshire, Wiltshire, Gloucester, Oxford, Buckingham, and

<sup>1</sup> This Act was repealed by 57 & 58 Vict. c. clxxxvii (The Thames Conservancy Act, 1894).

<sup>2</sup> The Mortmain and Charitable Uses Act, 1736 (*supra*).

Middlesex, and of the magistrates for the City of Oxford A. D. 1885. and of every other borough the police jurisdiction of which extends to any place upon the River Thames within the limits aforesaid, and the jurisdiction powers and authority of the Proctors of the University of Oxford and the marshals and officers acting under them, and the power and authority of the Metropolitan Police, and of all police officers and constables acting for any of the said counties or boroughs, shall extend over the whole of the River Thames, and the towpaths banks and precincts thereof, within the limits aforesaid.

48 VICT. CHAPTER xxiv.

An Act to extend the powers of the Mayor Aldermen and Citizens of Oxford with respect to their supply of Water ; and for other purposes.

[21st May 1885.]

[This Act, 'The Oxford (Corporation) Waterworks Act, 1885', extends the powers granted by, and otherwise amends 38 Vict. c. xli (*supra*).

Section 34 contains a saving for the University *verbatim* the same as s. 42 of the amended Act.]

49 & 50 VICT. CHAPTER 31.

An Act to remove doubts respecting the sitting A. D. 1886. and acting of the Chancellor and other Officers of the University of Oxford as Justices of the Peace.

[25th June 1886.]

**W**HEREAS under a charter granted to the chancellor, masters, and scholars of the University of Oxford by King Henry the Eighth, confirmed by the Act of the thirteenth year of the reign of Queen Elizabeth, chapter twenty-nine,<sup>1</sup> the chancellor of the University of Oxford and his

<sup>1</sup> *Supra*. The charter granted that the Chancellor, his Commissary, and the Commissary's deputy should be justices of the peace for the town of Oxford, the four adjoining hundreds, and the counties of Oxford and Berks.

CH. 31] *Oxford University (Justices) Act, 1886.* [49 & 50 VICT.

A. D. 1886. commissary (commonly called the vice-chancellor), and the deputy of the commissary, are justices of the peace for the counties of Oxford and Berks, and it is expedient to remove doubts respecting the sitting and acting of such chancellor, commissary, and deputy as such justices :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as the Oxford University (Justices) Act, 1886.

Appoint-  
ment of  
petty ses-  
sional court  
house in  
University  
of Oxford. 2. The chancellor, masters, and scholars of the University of Oxford may, from time to time, fix a place within the precincts of the University at which the chancellor of the said University, and his commissary for the time being (commonly called the vice-chancellor), and the deputy of the aforesaid commissary for the time being may sit and act as justices of the peace for the counties of Oxford and Berks, and when they, or any of them, sit in the place so appointed, and act as justices or justice of the peace for the county of Oxford or Berks, such place shall be deemed to be a petty sessional court house within the meaning of the Summary Jurisdiction Act, 1879,<sup>1</sup> and to be situate within the county of Oxford or the county of Berks, as the case requires, and any justice of the peace for the county of Oxford or the county of Berks, as the case requires, may accordingly sit and act with them or him as justice of the peace in such court house.

49 & 50 VICT. CHAPTER 48.

An Act to amend the Medical Acts.

[25th June 1886.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

<sup>1</sup> 43 & 43 Vict. c. 49.

Parliament assembled, and by the authority of the same, A. D. 1886.  
as follows :

1. This Act may be cited as the Medical Act, 1886, and shall be construed as one with the Medical Acts.

Short title  
and con-  
struction.

## PART I.

### ADMISSION TO MEDICAL PRACTICE AND CONSTITUTION OF GENERAL COUNCIL.

#### *Qualifying Examinations.*

2. On and after the appointed day a person shall not be registered under the Medical Acts in respect of any qualification referred to in any of those Acts, unless he has passed such qualifying examination in medicine, surgery, and midwifery, as is in this Act mentioned.

Examina-  
tion before  
registra-  
tion.

3.—(1.) A qualifying examination shall be an examination in medicine, surgery, and midwifery held, for the purpose of granting a diploma or diplomas conferring the right of registration under the Medical Acts, by any of the following bodies, that is to say :—

Qualifying  
examina-  
tions held  
by medical  
authorities.

(a.) Any university in the United Kingdom or any medical corporation, legally qualified at the passing of this Act to grant such diploma or diplomas in respect of medicine and surgery ; or

(b.) Any combination of two or more medical corporations in the same part of the United Kingdom who may agree to hold a joint examination in medicine, surgery, and midwifery, and of whom one at least is capable of granting such diploma as aforesaid in respect of medicine, and one at least is capable of granting such diploma in respect of surgery ; or

(c.) Any combination of any such university as aforesaid with any other such university or universities, or of any such university or universities with a medical corporation or corporations, the bodies forming such combination being in the same part of the United Kingdom.

(2.) The standard of proficiency required from candidates

A. D. 1886. at the said qualifying examinations shall be such as sufficiently to guarantee the possession of the knowledge and skill requisite for the efficient practice of medicine, surgery, and midwifery; and it shall be the duty of the General Council to secure the maintenance of such standard of proficiency as aforesaid; and for that purpose such number of inspectors as may be determined by the General Council shall be appointed by the General Council, and shall attend, as the General Council may direct, at all or any of the qualifying examinations held by any of the bodies aforesaid.

(3.) Inspectors of examinations appointed under this section shall not interfere with the conduct of any examination, but it shall be their duty to report to the General Council their opinion as to the sufficiency or insufficiency of every examination which they attend, and any other matters in relation to such examination which the General Council may require them to report; and the General Council shall forward a copy of every such report to the body or to each of the bodies which held the examination in respect of which the said report was made, and shall also forward a copy of such report, together with any observations thereon made by the said body or bodies, to the Privy Council.

(4.) An inspector of examinations appointed under this section shall receive such remuneration, to be paid as part of the expenses of the General Council, as the General Council, with the sanction of the Privy Council, may determine.

With-  
drawal  
from  
medical  
authorities  
of right to  
hold quali-  
fying  
examina-  
tions.

4.—(1.) If at any time it appears to the General Council that the standard of proficiency in medicine, surgery, and midwifery, or in any of those subjects or any branch thereof, required from candidates at the qualifying examinations held by any of the bodies for the time being holding such examinations is insufficient, the General Council shall make a representation to that effect to the Privy Council, and the Privy Council, if they think fit, after considering such representation, and also any objections thereto made by

any body or bodies to which such representation relates, A. D. 1886. may by order declare that the examinations of any such body or bodies shall not be deemed to be qualifying examinations for the purpose of registration under the Medical Acts; and Her Majesty, with the advice of Her Privy Council, if upon further representation from the General Council or from any body or bodies to which such order relates it seems to Her expedient so to do, shall have power at any time to revoke any such order.

(2.) During the continuance of any such order the examinations held by the body or bodies to which it relates shall not be deemed qualifying examinations under this Act, and any diploma granted to persons on passing such examinations shall not entitle such persons to be registered under the Medical Acts, and any such body shall not choose either separately or collectively with any other body a member of the General Council; and the member (if any) for the time being representing such body in the General Council shall, unless he was chosen by such body collectively with any other body not subject to an order under this section, be suspended from taking part in the proceedings of the General Council.

### *Effect of Registration.*

6. On and after the appointed day a registered medical practitioner shall, save as in this Act mentioned, be entitled to practise medicine, surgery, and midwifery in the United Kingdom, and (subject to any local law) in any other part of Her Majesty's dominions, and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances, or any fees to which he may be entitled, unless he is a fellow of a college of physicians, the fellows of which are prohibited by byelaw from recovering at law their expenses, charges, or fees, in which case such prohibitory byelaw, so long as it is in force, may be pleaded in bar of any legal proceeding instituted by such fellow for the recovery of expenses, charges, or fees.

Privileges  
of regis-  
tered  
persons.

A. D. 1886.

*Constitution of General Council.*Members of  
General  
Council.

7.—(1.) After the passing of this Act the General Council shall consist of the following members, that is to say:—

Five persons nominated from time to time by Her Majesty, with the advice of Her Privy Council, three of whom shall be nominated for England, one for Scotland, and one for Ireland:

One person chosen from time to time by each of the following bodies:—

The Royal College of Physicians of London ;  
 The Royal College of Surgeons of England ;  
 The Apothecaries Society of London ;  
 The University of Oxford ;  
 The University of Cambridge ;  
 The University of London ;  
 The University of Durham ;  
 The Victoria University, Manchester ;  
 The Royal College of Physicians of Edinburgh ;  
 The Royal College of Surgeons of Edinburgh ;  
 The Faculty of Physicians and Surgeons of Glasgow ;  
 The University of Edinburgh ;  
 The University of Glasgow ;  
 The University of Aberdeen ;  
 The University of St. Andrews ;  
 The King's and Queen's College of Physicians in Ireland ;  
 The Royal College of Surgeons in Ireland ;  
 The Apothecaries Hall of Ireland ;  
 The University of Dublin ;  
 The Royal University of Ireland :<sup>1</sup>

Three persons elected from time to time by the registered medical practitioners resident in England :

• One person elected from time to time by the registered medical practitioners resident in Scotland :

<sup>1</sup> By 63 Vict. c. xix. s. 10 the Council of the University of Birmingham is empowered to choose one representative to be a member of the General Council.

One person elected from time to time by the registered A. D. 1886.  
medical practitioners resident in Ireland.

### PART III.

#### MISCELLANEOUS PROVISIONS.

19. If at any time it appears to the Privy Council that the General Council has failed to secure the maintenance of a sufficient standard of proficiency at any qualifying examinations, or that occasion has arisen for the General Council to appoint assistant examiners under this Act for the purpose of examinations held by any medical corporation, or to exercise any power or perform any duty or do any act or thing vested in or imposed on or authorised to be done by the General Council under the Medical Acts or this Act, the Privy Council may notify their opinion to the General Council; and if the General Council fail to comply with any directions of the Privy Council relating to such notification, the Privy Council may themselves give effect to such directions, and for that purpose may exercise any power or do any act or thing vested in or authorised to be done by the General Council, and may of their own motion do any act or thing which, under the Medical Acts or this Act, they are authorised to do in pursuance of a representation or suggestion from the General Council.

Default of  
General  
Council.

20. The diploma of member of the King's and Queen's College of Physicians in Ireland, and the degree of Master in Obstetrics of any university in the United Kingdom, shall be deemed to be added to the qualifications described in Schedule A. to the Medical Act, 1858.

Addition  
to qualifica-  
tions under  
21 & 22  
Vict. c. 90.

21. Every registered medical practitioner to whom a diploma for proficiency in sanitary science, public health, or state medicine, has after special examination been granted by any college or faculty of physicians or surgeons or university in the United Kingdom, or by any such bodies acting in combination, shall, if such diploma appears to the Privy Council or to the General Council to deserve recogni-

Registra-  
tion of  
diploma in  
sanitary  
science.



A. D. 1886. tion in the medical register, be entitled, on payment of such fee as the General Council may appoint, to have such diploma entered in the said register, in addition to any other diploma or diplomas in respect of which he is registered.

### *Definitions.*

Definitions. 27. In this Act, unless the context otherwise requires,—

The expression “the appointed day” means the first of June one thousand eight hundred and eighty-seven, or such other day in June one thousand eight hundred and eighty-seven as may be appointed by the Privy Council :

The expression “medical corporation” means any body in the United Kingdom, other than a university, for the time being competent to grant a diploma or diplomas conferring on the holder thereof, if he has passed a qualifying examination, the right of registration under the Medical Acts :

The expression “registered medical practitioner” means any person for the time being registered under the Medical Acts :

The word “diploma” means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate, or other status or document granted by any university, corporation, college, or other body, or by any departments of or persons acting under the authority of the government of any country or place within or without Her Majesty’s dominions :

The expression “medical diploma” means a diploma granted in respect of medicine, surgery, and midwifery, or any of them, or any branch of medicine or surgery :

. . . . .

21 & 22  
Vict. c. 90.

The expression “the Medical Acts” means the Medical Act, 1858, and any Acts amending the same, passed before the passing of this Act.

*Repeal.*

A. D. 1886.

[Section 28 repeals certain Acts and sections of Acts mentioned in the Schedule, among which is 21 & 22 Vict. c. 90. s. 4 (*supra*).]

## 50 &amp; 51 VICT. CHAPTER 71.

An Act to consolidate the Law relating to Coroners. A. D. 1887.  
[16th September 1887.]

1. This Act may be cited as the Coroners Act, 1887. Short title.

30.—(1.) Where a franchise coroner is, at the passing of this Act, paid a salary out of the local rate, the provisions of this Act with respect to the expenses of inquests, shall apply as if such coroner were a coroner for a county. Saving for remuneration of franchise coroners.

(2.) Nothing in this Act shall affect the remuneration to which a franchise coroner who is not at the passing of this Act paid a salary out of the local rate is entitled at the passing of this Act, and every such coroner shall continue to be entitled to receive the same fees, allowances, and remuneration as he would have been entitled to if this Act had not passed.

(3.) Nothing in this Act shall affect the mode in which a franchise coroner is appointed, or is, otherwise than is provided by this Act, removed.

(4.) Subject as aforesaid, the provisions of this Act shall apply to a franchise coroner, except those provisions in which a coroner for a county or a coroner for a borough is expressly named.

42. In this Act, if not inconsistent with the context, the following terms and expressions have the meanings hereinafter respectively assigned to them : Definitions.

The expression "franchise coroner" means any of the following coroners, that is to say, the coroner of the Queen's "Franchise Coroner."

A. D. 1887. household, a coroner or deputy coroner for the jurisdiction of the Admiralty, a coroner appointed by Her Majesty the Queen in right of Her Duchy of Lancaster, and a coroner appointed for a town corporate, liberty, lordship, manor, university,<sup>1</sup> or other place, the coroner for which has heretofore been appointed by any lord, or otherwise than by election of the freeholders of a county, or of any part of a county, or by the council of a borough, and the expression "franchise" means the area within which the franchise coroner exercises jurisdiction.

### 50 & 51 VICT. CHAPTER 73.

An Act to amend the Copyhold Acts, and for the Enfranchisement of Copyhold and Customary Lands.<sup>2</sup>  
[16th September 1887.]

Provision  
for case of  
joint lords  
under sec-  
tion 4 of  
23 & 24  
Vict. c. 59.<sup>3</sup>

46. In every case where, under the fourth section of the Universities and College Estates Act Extension, 1860, any university or college and any person shall jointly constitute "the lord" of the manor, then any rentcharge to be created under the Copyhold Acts on the enfranchisement of land held of such manor shall be in favour of, and the power to give receipts herein-before conferred for compensation or redemption money shall be exerciseable by, the person who at the date of the enfranchisement shall be entitled in possession to the profits of the manor or to the receipt of such rentcharge, and the executors and administrators of such person, but without prejudice to any question as to the further disposal of the moneys secured by such charge.

<sup>1</sup> Two coroners are appointed for the University of Oxford under a charter of the 3rd of March, 1628, granted by King Charles the First. (Rot. Pat. 11 Car. 1. Pt. 4. nu. 1.)

<sup>2</sup> This Act was repealed by 57 & 58 Vict. c. 46. s. 100 (*infra*); but s. 46 is in effect re-enacted by s. 78 of the repealing Act.

<sup>3</sup> *Supra*.

51 & 52 VICT. CHAPTER 41.

An Act to amend the Laws relating to Local Government in England and Wales, and for other purposes connected therewith. A. D. 1888.

[13th August 1888.]

[This Act, 'The Local Government Act, 1888,' established County Councils for the administration of County government, constituted certain large towns, and authorized the constituting of others by Provisional Orders to be confirmed by Parliament, 'County Boroughs' independent as regards administration of the counties in which they are situate.]

52.—(1.) The Local Government Board shall make provisional orders for dealing with every case where the council of a borough is not the urban sanitary authority for the whole of the area of such borough, and the area of the borough is either co-extensive with or is wholly or partly comprised in any urban sanitary district,<sup>1</sup> and such order shall determine whether the area of the borough or of the sanitary district, or an area comprising both the borough and the urban sanitary district, or a portion of such united area, shall, whether with or without any adjoining area, be the area of the county district for the purposes of this Act, so, however, that in either case the order shall provide for the council of the borough becoming the district council, and the order may for that purpose alter the boundaries of the borough, and may, if need be, alter the boundaries of the county; and if the population exceeds fifty thousand, the order may constitute the borough into a county borough.

Provisional order as respects boroughs and urban sanitary districts in same area.

<sup>1</sup> The Councils of the City of Oxford and the Borough of Cambridge were not the Urban Sanitary Authorities for the City and Borough respectively; the City was included in the District of the Oxford Local Board, and the Borough of Cambridge was co-extensive with the district of the Cambridge Improvement Commissioners, such Board and Commissioners being the Urban Sanitary Authorities for their respective districts. See 38 & 39 Vict. c. 55. s. 6 (*supra*).

CH. 41] *Local Government (England and Wales) Act, 1888.* [51 & 52 VICT.

A. D. 1888. and make such provision as may be necessary for carrying this Act into effect as respect<sup>1</sup> such county borough; and the provisions of this Act respecting county boroughs shall, subject to the provisions of the order, apply.<sup>2</sup>

(2.) Where certain members of the sanitary authority for any such urban sanitary district are appointed by a university or any colleges therein, the order may provide for the appointment by such university or colleges of members on the district council.

(3.) A provisional order under this section shall not be of any effect until it is confirmed by Parliament.

102. This Act may be cited as the Local Government Act, 1888.

Short title. [Section 126 repeals all enactments inconsistent with the Act with the usual savings for the past operation of such enactments.]

51 & 52 VICT. CHAPTER 42.

An Act to consolidate and amend the Law relating to Mortmain and to the disposition of Land for Charitable Uses. [13th August 1888.]

[Part II. imposes the conditions under which assurances may be made to charitable uses.]

PART III.

EXEMPTIONS.

Assurances  
for certain  
universi-  
ties, col-  
leges, and  
societies.

7. Part Two of this Act shall not apply to the following assurances:

(i.) An assurance of land, or personal estate to be laid out in the purchase of land, to or in trust for any of the

<sup>1</sup> *Sic.*

<sup>2</sup> For orders made under this section for Oxford and Cambridge, see 52 & 53 Vict. c. xv and c. cxvi (*infra*).

Universities of Oxford, Cambridge, London, Durham A. D. 1888.  
 and the Victoria University, or any of the colleges or  
 houses of learning within any of those universities, or to  
 or in trust for any of the Colleges of Eton, Winchester,  
 and Westminster, for the better support and maintenance  
 of the scholars only upon the foundations of these last-  
 mentioned colleges, or to or in trust for the warden,  
 council, and scholars of Keble College :

(ii.) . . . . .

Provided that the trustees of the instrument containing  
 any assurance to which this section applies or declaring  
 the trusts thereof, may, if they think fit, at any time  
 cause the instrument to be enrolled in the Central Office  
 of the Supreme Court of Judicature.

8. Where by any Statute now in force any provision of  
 the enactments hereby repealed is excluded either wholly  
 or partially from application, or is applied with modifica-  
 tion, in every such case the corresponding provision of this  
 Act shall be excluded or applied in like extent and manner.

Substitution of provisions of Act for corresponding repealed enactments.

## PART IV.

### SUPPLEMENTAL.

13.—(I.) The Acts specified in the Schedule to this Act  
 are hereby repealed, from and after the passing of this Act,  
 to the extent specified in the third column of that schedule :

Provided that this repeal shall not affect—

- (a) Any enactment not hereby repealed referring to  
 any enactment hereby repealed, except that in lieu  
 of that reference the unrepealed enactment shall be  
 construed as if it referred to the corresponding pro-  
 visions of this Act ; or
- (b) The past operation of any enactment hereby re-  
 pealed, or any instrument or thing executed, done,  
 or suffered before the passing of this Act ; or
- (c) Any right, obligation, or liability acquired, accrued,  
 or incurred under any enactment hereby repealed ; or

CH. 42] *Mortmain and Charitable Uses* [51 & 52 VICT.  
Act, 1888.

A. D. 1888.

(d) Any action, proceeding, or thing pending or uncompleted at the time of the passing of this Act.

(2.) Whereas by the preamble to the Act of the forty-third year of Elizabeth, chapter four (being one of the enactments hereby repealed), it is recited as follows :

“Whereas landes tenement<sup>e</sup> rentes annuities p<sup>r</sup>fitte here-  
ditamentes, goodes chattels money and stockes of money,  
“have bene heretofore given limitedt appointed and assigned,  
“as well by the Queenes moste excellent Majestie and her  
“moste noble progenitors, as by sondrie other well disposed  
“p<sup>r</sup>sons, some for releife of aged impotent and poore people,  
“some for maintenance of sicke and maymed souldiers and  
“marriners, schooles of learninge, free schooles and schollers  
“in uni<sup>u</sup>rsities, some for repaire of bridges portes havens  
“causwaies churches seabankes and highewaies, some for  
“educacōn and p<sup>r</sup>fermente of orphans, some for or towardes  
“reliefe stocke or maintenance of howses of correccōn,  
“some for mariages of poore maides, some for sup-  
“portacōn ayde and helpe of younge tradesmen, handie  
“craftesmen and p<sup>r</sup>sons decayed, and others for releife or  
“redemption of prisoners or captives, and for aide or ease  
“of any poore inhabitant<sup>e</sup> con<sup>d</sup>ninge paymente of fiftenees,  
“settinge out of souldiers and other taxes ; whiche landes  
“tenements rents annuities p<sup>r</sup>fitte hereditaments goodes  
“chattels money and stockes of money ne<sup>v</sup>theles have not  
“byn employed accordinge to the charitable intente of the  
“givers and founders thereof, by reason of fraudes breaches  
“of truste and negligence in those that shoulde pay delyver  
“and imploy the same :” and whereas in divers enactments  
and documents reference is made to charities within the  
meaning, purview, and interpretation of the said Act :

Be it therefore enacted that references to such charities  
• shall be construed as references to charities within the mean-  
ing, purview, and interpretation of the said preamble.

14. This Act may be cited as the Mortmain and Charit-  
able Uses Act, 1888.

Short  
Title.

SCHEDULE.

A. D. 1888.

*Acts repealed.*

Session and Chapter.	Title.	Extent of Repeal.
43 Eliz. c. 4. <sup>1</sup>	An Act to redresse the misemployment of landes, goodes, and stockes of money heretofore given to charitable uses.	The whole Act.
7 & 8 Will. 3. c. 37. <sup>2</sup>	An Acte for the encouragement of charitable gifts and dispositions.	The whole Act.
9 Geo. 2. c. 36. <sup>3</sup>	An Act to restrain the disposition of lands whereby the same become unalienable.	The whole Act, except so much of section five as is unrepealed. <sup>4</sup>
24 & 25 Vict. c. 9. <sup>5</sup>	An Act to amend the law relating to the conveyance of land for charitable uses.	The whole Act.

51 & 52 VICT. CHAPTER 43.

An Act to consolidate and amend the County Courts Acts. [13th August 1888.]

176. Nothing in this Act contained shall be construed to alter or affect the rights or privileges of the chancellor, masters, and scholars of the universities of Oxford or Cambridge respectively as by law possessed, or the jurists of Oxford or Cambridge.

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

<sup>3</sup> *Supra.*

<sup>4</sup> By 45 Geo. 3. c. 101 (*supra*) the restriction imposed by 9 Geo. 2. c. 36. s. 5 on the number of advowsons to be held by Colleges and Houses of Learning in either of the two Universities was repealed; but no mention was made of the Colleges of Winchester, Eton, and Westminster. If therefore the restriction extended to these Colleges, it still remains in force for them.

<sup>5</sup> *Supra.*



A. D. 1888. diction of the Courts of the chancellors or vice-chancellors of the said universities as holden under the respective charters of the said universities or otherwise.

[Section 188 repeals from and after the commencement of the Act (the 1st of January, 1889) the Acts specified in the Schedule, among which is 9 & 10 Vict. c. 95 (*supra*).]

51 & 52 VICT. CHAPTER clxxxv.

An Act to authorise the abandonment of the Railway authorised by the Oxford Aylesbury and Metropolitan Junction Railway Act 1883<sup>1</sup> and the construction of a Tramroad instead thereof.  
[7th August 1888.]

Short title. 1. This Act may be cited for all purposes as the Oxford and Aylesbury Tramroad Act 1888.

For protection of the College of St. Mary Magdalen in the University of Oxford. 9. For the protection of the college of Saint Mary Magdalen in the University of Oxford and the president and scholars of the said college for the time being the Company shall notwithstanding anything to the contrary contained in this Act or anything shown on the deposited plans and sections be subject (except in so far as may be otherwise agreed between the said president and scholars and the Company) to the following conditions and stipulations:—

(1) The Company shall not take compulsorily under the powers of this Act the property shown on the deposited plans and numbered 4 on the said plans and described in the deposited book of reference as shrubbery and footpath in the extra-parochial place of Kings Mill but may acquire the same only with the consent in writing of the said president and scholars of the said college;

(2) The Company shall not without such consent as

<sup>1</sup> 46 & 47 Vict. c. cxx (*supra*).

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*Act, 1888.*

aforesaid use for station purposes any part of the A.D. 1888.  
properties numbered 1, 2, 3, 4, 5, 6 and 7 on the  
deposited plans in the said extra-parochial place  
taken or acquired by them under this Act but such  
properties so taken or acquired by them shall be  
used only for making and maintaining the line of the  
tramroad ;

- (3) The Company shall construct the tramroad to the east of and at a distance of not less than thirty feet from any part of the present eastern boundary fence of the said property numbered 4 on the deposited plans in the said extra-parochial place known as Kings Mill and the tramroad shall in traversing the properties numbered 1, 2 and 3 on the deposited plans in the said extra-parochial place be constructed in a cutting so that the surface of the rails shall not be raised higher than forty feet above the datum line as indicated on the deposited sections and the Company shall erect and maintain a good iron wire fence on either side of the said cutting to the satisfaction of the surveyor for the time being of the said president and scholars of the said college ;
- (4) The Company shall not stop up the occupation road and footpath numbered 3 on the deposited plans in Kings Mill aforesaid and they shall construct and maintain at all times at each side of the tramroad where it crosses the said occupation road a good and sufficient gate across the said road of twelve feet in width between the posts and also a wicket gate for foot-passengers of three feet in width between the posts ;
- (5) The Company shall pay to the said president and scholars of the said college all reasonable costs to be incurred by them and their surveyor in or about carrying into effect the stipulations of this section.<sup>1</sup>

<sup>1</sup> By the Oxford and Aylesbury Tramroad Acts, 1892 and 1894 (55 & 56 Vict. c. cxxxvii. s. 7 and 57 & 58 Vict. cxxix. s. 6), which revived the powers

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*Orders Confirmation Act, 1889.*

52 VICT. CHAPTER xv.

A. D. 1889. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Oxford and to the Counties of Oxford and Berks. [31st May 1889.]

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto, under the provisions of the Public Health Act, 1875, and the Local Government Act, 1888 :

38 & 39  
Vict. c. 55.  
51 & 52  
Vict. c. 41.

And whereas it is requisite that the said Orders should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Orders in  
schedule  
confirmed.

1. The Orders set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation Act, 1889.

SCHEDULE.

*Oxford  
Order.*  
—

CITY OF OXFORD.

*Provisional Order made in pursuance of Sections 52 and 54 of the Local Government Act, 1888, and under Section 297 of the Public Health Act, 1875.*

To the Justices of the Peace for the County of Oxford, in Quarter Sessions assembled ; —

To the County Council for the Administrative County of Oxford ; —

To the Justices of the Peace for the County of Berks, in Quarter Sessions assembled ; —

and extended the time for compulsory purchases under this Act this section was continued in force.

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- To the County Council for the Administrative County of Berks ;—  
To the Chancellor, Masters, and Scholars of the University of Oxford ;—  
To the Mayor, Aldermen, and Citizens of Oxford ;—  
To the Justices of the Peace for the City of Oxford ;  
To the Oxford Local Board, being the Sanitary Authority for the Urban Sanitary District of Oxford ;—  
To the Guardians of the Poor within the City of Oxford ;—  
To the Guardians of the Poor of the Headington Union, in the Administrative County of Oxford, being the Sanitary Authority for the Rural Sanitary District of that Union ;—  
To the Guardians of the Poor of the Abingdon Union, in the Administrative Counties of Oxford and Berks, being the Sanitary Authority for the Rural Sanitary District of that Union ;—  
To the School Board for the School District of Oxford ;—  
To the Highway Board for the Highway District of Bullington, in the Administrative County of Oxford ;—  
To the Highway Board for the Highway District of Abingdon, in the Administrative County of Berks ;—  
And to all others whom it may concern.

WHEREAS by Section 52 of the Local Government Act, 1888 (which Act is herein-after referred to as "the Act"),<sup>51 & 52 Vict. c. 41.</sup> it is enacted that the Local Government Board shall make Provisional Orders for dealing with every case where the Council of a Borough is not the Urban Sanitary Authority for the whole of the area of such Borough, and the area of the Borough is either co-extensive with or is wholly or partly comprised in any Urban Sanitary District, and that such Order shall determine whether the area of the Borough or of the Sanitary District, or an area comprising both the Borough and the Urban Sanitary District, or a portion of such united area, shall, whether with or without any adjoining area, be the area of the County District for the purposes of the Act, so, however, that in either case the Order shall provide for the Council of the Borough becoming the District Council, and

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A. D. 1889. that the Order may for that purpose alter the boundaries of the Borough, and may, if need be, alter the boundaries of the County; that if the population exceeds fifty thousand, the Order may constitute the Borough into a County Borough, and may make such provision as may be necessary for carrying the Act into effect as respects such County Borough; that the provisions of the Act respecting County Boroughs shall, subject to the provisions of the Order, apply; and that where certain members of the Sanitary Authority for any such Urban Sanitary District are appointed by a university or any colleges therein, the Order may provide for the appointment by such university or colleges of members on the District Council;

And whereas by virtue of Section 54 of the Act the Local Government Board are empowered to make a Provisional Order for the alteration of the boundary of any County or Borough, and the alteration of the boundary of any Electoral Division of a County, or of the number of County Councillors and Electoral Divisions in a County; and where such Order alters the boundary of a Borough, it may, as consequential upon such alteration, increase or decrease the number of the wards in the Borough, alter the boundaries of such wards, alter the apportionment of the number of Councillors among the wards, and alter the total number of Councillors, and may in such case make the proportionate alteration in the number of Aldermen;

And whereas the City of Oxford is a Borough within the meaning of the Act, and the inhabitants of the City are a body corporate, by the name of the Mayor, Aldermen, and Citizens of Oxford, and act by the Council of the City (herein-after referred to as "the Corporation"), which now consists of the Mayor, ten Aldermen, and thirty Councillors;

And whereas the City has a separate commission of the peace and a separate court of quarter sessions, and a sheriff and a coroner, and is, for the purposes of the election of Councillors, divided into five Wards;

38 Vict.  
c. xli.<sup>1</sup>

48 Vict.  
c. xxiv.<sup>2</sup>

And whereas by the Oxford (Corporation) Waterworks Acts, 1875 and 1885 (herein-after together referred to as "the Water Acts"), the Corporation were empowered to construct additional waterworks and to supply water within the limits therein defined;

And whereas under the Local Acts of Parliament, the full titles of which are set out in the First Schedule to this

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

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Order (which Acts are herein-after collectively referred to as "the Improvement Acts"), certain Commissioners (who and their successors are herein-after referred to as "the Commissioners") were appointed for carrying the Improvement Acts into execution; A. D. 1889.

And whereas in or about the year One thousand eight hundred and sixty-four, the Local Government Act, 1858, 21 & 22  
Vict. c. 98.<sup>1</sup> was duly adopted by the Commissioners for the area within the limits of the Improvement Acts, and that area became the Oxford District, and subject to the jurisdiction of the Oxford Local Board (herein-after referred to as "the Local Board"), which was constituted in accordance with the provisions of Section 82 of that Act;

And whereas by two Provisional Orders of one of Her Majesty's Principal Secretaries of State, each dated the Twentieth day of May, One thousand eight hundred and sixty-five, and duly confirmed by the Local Government Supplemental Act, 1865 (No. 5) (which Act is herein-after referred to as "the Confirming Act"), the Oxford District was extended; 28 & 29  
Vict. c.  
cviii.<sup>2</sup>

And whereas by another Provisional Order of one of Her Majesty's Principal Secretaries of State dated the Thirty-first day of May, One thousand eight hundred and sixty-five (herein-after referred to as "the Order of the Thirty-first day of May"), and duly confirmed by the Confirming Act:—

(1.) The Improvement Acts were repealed, except the sections and provisions then in force relating to Magdalen Bridge and the Mileways, and the tolls to be demanded and taken in respect of the same, and the mortgages of the tolls, and the rights and remedies of the mortgagees thereof, and except the sections and provisions relating to markets, to gasworks and the supply of gas, and to all matters incidental to those matters respectively;

(2.) The sections and provisions of the Improvement Acts so saved from repeal (except the sections and provisions thereof relating to the markets) were, so far as the same respectively were then in force, made applicable to the Local Board instead of the Commissioners, as if the Local Board instead of the Commissioners were named or referred to therein;

And whereas by virtue of Section 22 of the Confirming Act the custody, care, and management of the public 18 & 19  
Vict. c. 70.

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

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A. D. 1889, library in the City of Oxford were vested in the Local  
29 & 30 Board, and the said public library is managed by the  
Vict. c. 114. Local Board in accordance with the provisions of the  
34 & 35 Public Libraries (England) Acts, 1855 to 1887 ;

Vict. c. 71. And whereas under and by virtue of the Improvement  
40 & 41 Acts the market or markets provided under those Acts are  
Vict. c. 54. now vested in the Chancellor, Masters, and Scholars of the  
47 & 48 University of Oxford (herein-after referred to as "the Uni-  
Vict. c. 37. versity") and in the Corporation jointly; the net revenue  
50 & 51 derived from the markets is now divided equally between  
Vict. c. 22. the University and the Corporation; and the said markets  
are managed by a committee (herein-after called "the  
Market Committee") appointed in equal proportions by  
the University and the Corporation;

21 & 22 And whereas the Local Government Act, 1858, was re-  
Vict. c. 98.<sup>1</sup> pealed by the Public Health Act, 1875, and by Section 342  
38 & 39 of the last-mentioned Act the Oxford District was further  
Vict. c. 55.<sup>2</sup> extended;

And whereas by virtue of Section 342 of the Public Health  
Act, 1875, the Local Board now consists of the Vice-Chan-  
cellor of the University, and the Mayor of Oxford for the  
time being, of fifteen members elected by the University, of  
sixteen members elected by the Corporation, and of seven-  
teen members elected by the ratepayers; and by the same  
section provision was made as to the mode of election of the  
fifteen members to be elected by the University;

And whereas the Oxford District, as extended by the two  
above-mentioned Orders of the Twentieth day of May, One  
thousand eight hundred and sixty-five, and by Section 342  
aforesaid, is an Urban Sanitary District (herein-after referred  
to as "the Sanitary District"), of which the Local Board,  
constituted as last aforesaid, are the Sanitary Authority;

15 & 16 And whereas the Local Board are the Burial Board under  
Vict. c. 85. the Burial Acts, 1852 to 1871, for the Sanitary District;

34 & 35 And whereas by virtue of the Elementary Education Act,  
Vict. c. 33. 1870, the Sanitary District is a School District for which  
33 & 34 a School Board has been formed;

44 Vict. And whereas under and by virtue of the Oxford Police  
c. xxxix.<sup>4</sup> Act, 1881 (herein-after referred to as "the Police Act"), the  
powers of watch and ward within the Sanitary District, and  
the control of the constabulary force for the whole of that  
District, are now vested in a Police Committee (herein-after  
referred to as "the Police Committee"), consisting of five

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

<sup>3</sup> *Supra.*

<sup>4</sup> *Supra.*

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members of the Convocation of the University annually A. D. 1889.  
appointed by the Convocation, and of ten members of the  
Corporation annually appointed by the Corporation; and  
the expenses incurred in carrying that Act into execution  
(except where otherwise provided) are defrayed out of  
a fund called the police fund, annually contributed in the  
following proportions, that is to say, one-third by the  
University and two-thirds by the Corporation;

And whereas by Section 2 of a Local Act of Parliament 17 & 18  
passed in the seventeenth and eighteenth years of the reign Vict.  
of Her present Majesty Queen Victoria, intituled "An Act c. ccxix.<sup>1</sup>  
"to repeal an 'Act for better regulating the poor within  
"the City of Oxford,' and to grant further and more effec-  
tual powers in lieu thereof, and also to provide for rating to  
the relief of the poor certain hereditaments within the  
"University of Oxford" (herein-after referred to as "the  
Oxford Poor Act"), it is provided that of the thirty-three  
Guardians of the Poor within the City of Oxford eleven  
Guardians, who shall consist of the Mayor for the time  
being and the ten Aldermen for the time being, shall be  
elected for the City;

And whereas the Council of the City is not the Urban  
Sanitary Authority for the area of the existing City, and  
the existing City is partly comprised in the Sanitary Dis-  
trict, and certain members of the Sanitary Authority are  
appointed by the University as aforesaid;

And whereas the population of the area which will be  
comprised in the City, if extended as herein-after provided,  
will exceed fifty thousand:

Now therefore, We, the Local Government Board, in 51 & 52  
pursuance of the powers given to Us by Sections 52, 54, Vict. c. 41.<sup>2</sup>  
and 59 of the Act, by Section 297 of the Public Health 38 & 39  
Act, 1875, and by any other enactments in that behalf, do Vict. c. 55.<sup>3</sup>  
hereby Order that, from and after the date of the Act of  
Parliament confirming this Order, the following provisions  
shall take effect:—

Art. I. This Order shall come into operation on the Ninth Com-  
day of November, One thousand eight hundred and eighty- mencement  
nine, except so far as is otherwise herein expressly provided. of Order.

Art. II. The several terms in this Order shall have the Defini-  
same meanings respectively as are assigned to them by tions.  
Section 100 of the Act.

Art. III.—(1.) The area bounded as herein-after men- Extension  
tioned, shall be comprised in the City. of City.

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

<sup>3</sup> *Supra.*



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A. D. 1889. tioned (being an area comprising both the existing City and the Sanitary District, with adjoining portions of the Rural Sanitary Districts of the Headington and Abingdon Unions), shall be the area of the County District for the purposes of the Act, and the boundary of the existing City shall be altered to correspond with the boundary of that County District, so that the whole of the said area shall, for the purposes of the Municipal Corporations Act, 1882, and for all other purposes, be within the City of Oxford ; and the Mayor, Aldermen, and Citizens, acting by the Council of the City, constituted and elected in the manner herein-after provided, shall become the District Council for such County District.

45 & 46  
Vict. c. 50.<sup>1</sup>

Map of  
extended  
City.

(2.) The boundary of the County District and City shall be that shown by a red line on the maps, each marked "Map of the City of Oxford, as extended, 1889," and sealed with the official seal of the Local Government Board, one of which shall be deposited in the office of the said Board, and the other of which shall be deposited by the town clerk of the City at his office within seven days after the date of this Order.

Alteration  
of Coun-  
ties.

Art. IV. The area of the County of Oxford shall be altered so as to comprise such portion or portions of the County of Berks as are situate within the boundary of the City as hereby extended, and the boundary between those Counties shall be altered accordingly.

Copies of  
map to be  
deposited  
and to be  
evidence.

Art. V.—(1.) Copies of the said map deposited with the town clerk, certified by him, shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerks of the County Councils for the administrative Counties of Oxford and Berks respectively, to the clerks to the Rural Sanitary Authorities of the Abingdon and Headington Unions respectively, to the Director-General of Her Majesty's Ordnance Survey at Southampton, to the Registrar of the University, and to the clerk to the Oxford School Board.

(2.) Copies of or extracts from the said map deposited with the town clerk, certified by him to be true, shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of such map ; and such map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the City, and any such person shall be entitled to a copy of or extract

<sup>1</sup> *Supra.*

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from such map, certified by the town clerk, on payment of a reasonable fee for every such copy or extract. All sums received under this Article shall be carried to the credit of the borough fund. A. D. 1889.

Art. VI.—(1.) The City shall be constituted a County Borough, and all the provisions of the Act respecting County Boroughs shall, subject as herein-after provided, apply to the City as if the City had been named in the Third Schedule to the Act, and as if Oxford had been specified in that Schedule as the County in which the City should be deemed for the purposes of the Act to be situate: Provided that for the purposes of the application of such provisions “the appointed day” shall be deemed to mean the Ninth day of November, One thousand eight hundred and eighty-nine. Constitu-  
tion of  
County  
Borough.

(2.) An equitable adjustment may be made under the provisions of Section 32 of the Act as well between the administrative County of Berks and the County Borough of Oxford as between the administrative County of Oxford and the said County Borough. Adjust-  
ment.

Art. VII. For the purposes of the parish burgess lists and burgess roll, and other lists to be made for the City under the Municipal Corporations Act, 1882, and the Acts amending the same, and of the lists of county electors and the county registers to be made for the administrative Counties of Oxford and Berks in pursuance of the County Electors Act, 1888, this Order shall operate from the date of the Act of Parliament confirming the same. Date of  
operation  
of Order  
for parish  
burgess  
lists, &c.  
51 Vict.  
c. 10.

For the purposes of the parish burgess lists and burgess roll, and other lists to be made under the Municipal Corporations Act, 1882, and the Acts amending the same, and all matters in relation thereto, the town clerk of the existing City shall be the town clerk of the City, and anything required to be done in connexion with the purposes aforesaid before the last-mentioned date may, in so far as the same relates to any area included in the City, but which does not form part of the existing City, be done as soon as practicable after such date, and if so done shall have full force and effect; and if any difficulty arise in making out such lists and roll, or the lists of county electors and the county registers of the said counties, the Local Government Board may make such order as shall appear to them to be necessary to give effect to the provisions of this Order, and may vary, so far as shall be necessary, the provisions in

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A. D. 1889. force with regard to the making of such lists, roll, and registers.

Number of Coun-  
cillors. Art. VIII. The number of Councillors of the City shall be increased from thirty to forty-five, of whom thirty-six shall be elected by the Citizens of the City, and nine shall be elected by the University in the manner herein-after directed.

Art. IX. Subject, as regards any future alteration of the wards hereby constituted, to the provisions of the Municipal Corporations Act, 1882, as to the alteration of wards, the following provisions shall have effect :—

Division  
into wards. (1.) For the purposes of the election of Councillors by the Citizens the City shall be divided into four wards, to be termed respectively the North Ward, the East Ward, the South Ward, and the West Ward.

Boundaries  
of wards. (2.) Each of the said wards shall comprise the portion of the City indicated by a separate colour and distinguished by the name of the ward on the maps, each marked "Map of the Wards of the City of Oxford, 1889," and sealed with the official seal of the Local Government Board, one of which shall be deposited in the office of the said Board, and the other shall be deposited by the town clerk of the City at his office within seven days after the date of this Order.

(3.) Nine Councillors shall be assigned to each of the said wards.

Special  
provision  
for first  
election in  
1889. Art. X. For the purposes of the election of Councillors by the Citizens in the month of November, One thousand eight hundred and eighty-nine, this Order shall operate from the date of the Act of Parliament confirming the same, and the following provisions shall apply :—

(a.) The town clerk and the Mayor of the existing City, or such other persons as the Local Government Board shall appoint, shall perform the duties devolving upon the town clerk and Mayor respectively under the Municipal Corporations Act, 1882, and the Mayor of the existing City, or such other person as he shall appoint, shall be the returning officer at the election for each ward.

(b.) Nine Councillors for each ward shall be elected by the Citizens on the First day of November, One thousand eight hundred and eighty-nine.

Election of  
Councillors Art. XI.—  
(1.) There shall be nine Councillors to represent the

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University, three of whom shall be elected by the A. D. 1889.  
 University in Convocation, and the remaining six shall by the  
 be elected by the heads and senior resident bursars of University.  
 the several colleges entitled by any statute of the  
 University or otherwise to matriculate students, and  
 by the heads of the several public halls.

- (2.) Every member of the University (whether a Clerk in Holy Orders or not) being of the degree of Master of Arts, Bachelor of Civil Law, or Bachelor in Medicine, or of any superior degree of the University (and no other person), shall be qualified to be elected such a Councillor.
- (3.) Every election of such Councillors shall be conducted by the University and by the colleges and public halls respectively in the same way and subject to the same regulations in and subject to which Guardians of the Poor for the University and for the colleges and halls are now or may hereafter be chosen by them respectively, save that in the election of Councillors the heads and bursars of all the colleges and the heads of all the public halls shall be summoned by the Vice-Chancellor of the University for that purpose, and shall be entitled to vote:

Provided that the day for the annual election of such Councillors shall be the First day of November.

- (4.) The Registrar of the University shall forward to the town clerk immediately after the election has been completed, and not later than the Third day of November, a statement of the persons elected as such Councillors, and of the number of votes (if any) recorded for each person elected.
- (5.) Any vacancy among such Councillors, whether occurring in the regular course or casually, shall be filled up by the election of a Councillor by the body which elected the Councillor whose place has become vacant, and any Councillor elected to fill a casual vacancy shall hold the office until the time when the person in whose place he is elected would regularly have gone out of office, and he shall then go out of office. An election to fill a casual vacancy among such Councillors shall be held as soon as practicable after the vacancy occurs.
- (6.) The provisions of Sections 9, 11, 12 (1) (b), 51 to 59 45 & 46.  
 (both inclusive), and 66 of the Municipal Corpora- Vict. c. 50.

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A. D. 1889. tions Act, 1882, shall not apply to elections of such Councillors.<sup>1</sup>

(7.) Nine Councillors shall be elected as in this Article mentioned on the First day of November, One thousand eight hundred and eighty-nine; and for the purposes of that election this Order shall operate from the date of the Act of Parliament confirming the same.

Election of Aldermen by the Councillors of the City and of the University. Art. XII. The number of Aldermen of the City shall be increased from ten to fifteen, of whom twelve shall be elected by the Councillors and Aldermen representing the Citizens, and three shall be elected by the Councillors and Aldermen representing the University; and the provisions of the Municipal Corporations Act, 1882, relating to the election of Aldermen, shall be modified accordingly and as follows (but not so as to enable outgoing Aldermen to vote in the election of Aldermen):—

(1.) The Aldermen of the City shall not be elected at meetings of the whole Council, but, immediately after the appointment of the sheriff at the meeting of the Council on the Ninth day of November, the meeting shall adjourn for such time as shall be agreed upon, and the Councillors and Aldermen representing the Citizens on the one part, and the Councillors and Aldermen representing the University on the other part, shall thereupon meet separately for the election of Aldermen. The Councillors and Aldermen present at each of such separate meetings shall elect one of their number as chairman, who shall, for the purposes of the election, be the chairman within the meaning of Section 60 of the Municipal Corporations Act, 1882, and the provisions of that section applicable to the election of Aldermen at the meetings of Council shall apply to their election at such separate meetings with the necessary modifications. On the meeting of the Council resuming, the chairmen of the separate meetings shall make returns of the names of the persons elected as Aldermen, and such returns shall be entered on the minutes of the meeting.

(2.) On a casual vacancy in the office of Alderman, a meeting of the Councillors and Aldermen repre-

<sup>1</sup> Sections 9 and 11 of the Act quoted deal with the qualification of burgesses and councillors; s. 12 (1) (b) makes it a disqualification for either position to be in holy orders or a regular minister of a dissenting congregation; ss. 51 to 59 deal with elections, and s. 66 with the filling of casual vacancies.

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senting the Citizens, or of the Councillors and Aldermen representing the University, as the case may be, shall be summoned to meet for the purpose of the election. The above provisions with reference to the proceedings at separate meetings of Councillors and Aldermen shall apply to such a meeting, and a return of the election shall be made to the next meeting of the Council: Provided that in the case of a casual vacancy in the office of an Alderman representing the University, Section 66 of the Municipal Corporations Act, 1882, shall not apply, but the election shall be held within fourteen days after notice in writing has been given to the town clerk by two Councillors representing the University, and the town clerk shall fix the day of election. A. D. 1889.

- (3.) A person shall not be qualified to be elected or to represent the University as an Alderman unless he is a Councillor representing the University, or qualified to be such a Councillor.

Art. XIII. On the Ninth day of November, One thousand eight hundred and eighty-nine, twelve Aldermen to represent the Citizens and three Aldermen to represent the University shall be elected in the manner herein-before provided. Election of Aldermen in 1889.

Art. XIV. The dates specified in the Second Schedule to this Order shall be the dates for the retirement of the Aldermen and the Councillors respectively who shall be elected in the year One thousand eight hundred and eighty-nine. Dates for retirement of first Councillors and Aldermen.

Art. XV. Notwithstanding anything in the Municipal Corporations Act, 1882, to the contrary, all the Councillors of the existing City who shall be in office up to the First day of November, One thousand eight hundred and eighty-nine, shall go out of office on that date; and all the Aldermen of the existing City who shall be in office up to the Eighth day of November, One thousand eight hundred and eighty-nine, shall go out of office on that date; and all such Councillors and Aldermen shall be eligible for election as Councillors on the First day of November. Dates for retirement of existing Councillors and Aldermen.

Art. XVI.—(1.) The powers and duties of the recorder, and clerk of the peace, and of the justices of the peace appointed for the existing City, whether acting in general or in quarter sessions, or out of sessions or otherwise, and of the Borough Coroner, shall extend and apply throughout the City. Extension of jurisdiction of recorder, &c.

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**A. D. 1889.** (2.) The powers and duties of the sheriff of the existing City shall extend and apply throughout the City.

(3.) The Auditors who shall be in office on the Ninth day of November, One thousand eight hundred and eighty-nine, shall continue in office and shall be the City Auditors until the ordinary day of election of City Auditors.

**Transfer of writs, &c.** Art. XVII. All writs, process, records, and documents relating to, or to be executed in connexion with, any action or proceeding pending or existing on the Ninth day of November, One thousand eight hundred and eighty-nine, and appertaining to the parts of the County of Berks which are hereby added to the County of Oxford, shall be delivered, turned over, or transferred, and signed in like manner in all respects, so nearly as circumstances admit, as is required to be done upon a new sheriff coming into office.

**Byelaws to continue in force.** Art. XVIII. All byelaws and regulations made by the Local Board as a Sanitary Authority which, on the Ninth day of November, One thousand eight hundred and eighty-nine, are in force within the Sanitary District, and all byelaws and regulations made by the Corporation which, on the Ninth day of November, One thousand eight hundred and eighty-nine, are in force within the existing City, shall be in force within and apply to the City, except in so far as the same may hereafter be altered or repealed; and save that the Corporation shall be substituted for the Local Board throughout the byelaws and regulations of the Local Board.

**Town clerk and other officers continued.** Art. XIX. The town clerk and all other officers and servants of the Corporation of the existing City who hold office on the Ninth day of November, One thousand eight hundred and eighty-nine, shall continue to be the town clerk and officers and servants of the Corporation of the City, and shall hold their offices by the same tenure as at that date.

**Compensation to existing officers.** Art. XX. The provisions of sub-section (13) of Section 118 and of Sections 119 and 120 of the Act shall apply to the persons who on the Ninth day of November, One thousand eight hundred and eighty-nine, hold office as officers or servants of the Local Board, acting as a Sanitary Authority, Burial Board, or in any other capacity, with the substitution of "District Fund and General District Rate" in sub-section (8) of Section 120 for "county fund as a payment for general

51 & 52  
Vict. c. 41.<sup>1</sup>

<sup>1</sup> *Supra.*

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county purposes," and with such other modifications as are necessary to make those provisions applicable to the said officers and servants, and to the Corporation; and Section 120 of the Act shall apply with the like substitutions and modifications as aforesaid to any officer of either of the said Rural Authorities, or of either of the said Highway Boards who, by virtue of this Order, or of anything done in pursuance or in consequence thereof, shall suffer any such direct pecuniary loss as in that section mentioned.<sup>1</sup>

Art. XXI. All the property vested in the Corporation on the Ninth day of November, One thousand eight hundred and eighty-nine, for the benefit of the existing City shall be held by the Corporation for the benefit of the City, and the Corporation shall hold, enjoy, and exercise, for the benefit of the City, all the powers which at the date aforesaid are exercisable by or vested in the Corporation for the benefit of the existing City.

Art. XXII.—(1.) All property, powers, duties, and liabilities which immediately before the Ninth day of November, One thousand eight hundred and eighty-nine, are vested in or attached to the Local Board as an Urban Sanitary Authority shall be transferred to, vested in, and attach to the Corporation as Urban Sanitary Authority, and all arrears of rates which at the date aforesaid are due or owing to the Local Board may be collected and recovered by the Corporation.

(2.) All property, powers, duties, and liabilities which immediately before the Ninth day of November, One thousand eight hundred and eighty-nine, are vested in or attached to the Local Board as the Local Authority under the Contagious Diseases (Animals) Acts, 1878 to 1886, or the Destructive Insects Act, 1877, shall be transferred to, vested in, and attach to the Corporation, and those Acts and any Orders of Council made thereunder shall apply to the City as if the District of the Local Board of Oxford, the Local Board, the rate leviable by the Local Board, and the clerk of the Local Board were not mentioned in the Second Schedule to the Contagious Diseases (Animals) Act, 1878.

(3.) All the property and liabilities which immediately before the Ninth day of November, One thousand eight

<sup>1</sup> Section 118 (13) and 119 of the Local Government Act, 1888, provide for the transfer of existing officers and servants, and s. 120 for compensation to existing officers for abolition of office or diminution or loss of fees or salary.



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*Orders Confirmation Act, 1889.*

A. D. 1889. hundred and eighty-nine, are vested in or attached to the  
Burial Board. Local Board as a Burial Board shall be transferred to,  
vested in, and attach to the Corporation, and the Corpora-  
tion shall, within the City, hold, exercise, enjoy, and be  
subject to the powers, rights, duties, and liabilities of  
a Burial Board as if they had become a Burial Board in  
pursuance of Section 2 of the Burial Act, 1854.

17 & 18  
Vict. c. 87. (4.) The Local Board shall on the Ninth day of November,  
Local One thousand eight hundred and eighty-nine, be abolished  
abolished. and cease to exist.

Cesser of  
powers of  
other  
Authorities. (5.) The Rural Authorities of the Headington and Abing-  
don Unions respectively, and the Highway Boards for the  
Highway Districts of Bullingdon and Abingdon respec-  
tively, shall cease to exercise any powers or jurisdiction  
within any area included in the City :

Provided that any arrears of rates made by the Overseers  
before the Ninth day of November, One thousand eight  
hundred and eighty-nine, in respect of contributions for  
general or special expenses under the Public Health Act,  
1875, and any arrears of rates made by the Waywardens or  
Overseers before that date for the contribution to the Dis-  
trict Fund of either of those Highway Boards, and which  
remain due in respect of hereditaments in any area hereby  
added to the City, may be recovered by the Overseers or  
the Waywardens, as the case may be, after that date.

Audit of  
accounts of  
Local  
Board, &c. Art. XXIII. The accounts of the Local Board and  
their officers and of the Waywardens up to the Ninth day  
of November, One thousand eight hundred and eighty-nine,  
shall be audited by the proper officer of the Local Govern-  
ment Board in like manner and subject to the like right of  
appeal as if this Order had not been made.

Repeal of  
Local Acts. Art. XXIV.—(1.) The unrepealed provisions of the Im-  
provement Acts, as altered by the Order of the Thirty-first  
day of May (except those relating to markets) shall be  
wholly repealed.

Market  
powers to  
remain in  
force. (2.) The provisions of the Improvement Acts relating to  
markets shall continue in force within the area in which the  
same are now in operation, but not elsewhere, and shall be  
altered as follows:—

(a.) The Corporation shall be substituted for the Local  
Board ;

(b.) All the property, powers, rights, duties, and liabili-  
ties which immediately before the Ninth day of Novem-  
ber, One thousand eight hundred and eighty-nine, are

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vested in or attached to the University or the Market Committee under those provisions shall be transferred to, vested in, and attach to the Corporation; A. D. 1889.

- (c.) All the property now vested in the Corporation under those provisions, of which will be vested in the Corporation in pursuance of paragraph (b) of this subdivision, shall be held by the Corporation in trust for the City, and all liabilities incurred, whether by the Market Committee or otherwise, or to be incurred by the Corporation under those provisions, shall, so far as the same are not defrayed out of revenue received from the markets, be charged upon and borne by the Borough Fund:

Provided that nothing in this Article contained shall prejudice, alter, or lessen the right of the University to appoint or nominate one or more clerk or clerks of the said markets.

Art. XXV.—(1.) Sections 4 to 7, 9 to 19, and 22 (all inclusive) of the Confirming Act, and so much of the Confirming Act as relates to the two Orders of the Twentieth day of May, One thousand eight hundred and sixty-five, and to Articles 1 to 3, 5 to 14, and 19 to 21 (all inclusive) of the Order of the Thirty-first day of May, shall be wholly repealed, except so far as the same may have been acted upon. Repeal of Provisional Orders.

(2.) Sections 8, 20, and 21 of the Confirming Act shall be altered by the substitution throughout the same of the Corporation for the Local Board, and so as to provide that those sections as so altered shall apply to the City and to the Borough Rate which will be leviable over the whole City (including the University) as well as to the General District Rate.

(3.) The public library referred to in Section 22 of the Confirming Act shall be vested in and managed by the Corporation for the benefit of the City as if the same had been provided by the Corporation for the City in pursuance of the Public Libraries (England) Acts, 1855 to 1887. Public library.

(4.) The Confirming Act shall be further altered by the substitution throughout Articles 15 to 18 of the Order of the Thirty-first day of May of the Corporation and the City for the Local Board and the District respectively.

Art. XXVI. The Water Acts shall be altered so as to operate as if the City and the Corporation were referred to therein instead of the City and Corporation as then existing. Extension of Water Acts.

Art. XXVII. Section 2 of the Oxford Poor Act shall be Alteration of Oxford Poor Act.

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Orders Confirmation Act, 1889.**

A. D. 1889. altered by the insertion of the words "any ten Aldermen  
"of the City representing the Citizens for the time being  
"chosen by the Council of the City" in lieu of the words  
"the ten Aldermen of the City for the time being."

Repeal of Police Act. Art. XXVIII.—(1.) The Police Act (except Sections 22  
and 23) shall be wholly repealed, except so far as the same  
may have been acted upon; and the provisions of the  
Municipal Corporations Act, 1882, as to police in Boroughs,  
and of the Act as to police in County Boroughs, shall  
henceforward apply to the City.

(2.) Section 22 of the Police Act shall be altered by the  
insertion of the words "the City" in lieu of the words "the  
District."

(3.) Section 23 of the Police Act shall be altered so as  
to apply to the City and to any constabulary force provided  
by the Corporation.

(4.) Any property or liability which immediately before  
the Ninth day of November, One thousand eight hundred  
and eighty-nine, is vested in or attached to the Police Com-  
mittee shall be transferred to, vested in, and attach to the  
Corporation.

Current debts to be discharged. Art. XXIX. The Corporation and the Local Board shall  
liquidate, so far as practicable, before the Ninth day of  
November, One thousand eight hundred and eighty-nine, all  
current debts and liabilities incurred by them respectively.

Actions, &c. not to abate. Art. XXX.—(1.) If on the Ninth day of November,  
One thousand eight hundred and eighty-nine, any action  
or proceeding, or any cause of action or proceeding, is  
pending or existing by or against the Local Board, whether  
as a Sanitary Authority, Burial Board, or in any other  
capacity, or by or against the Police Committee or the  
Market Committee, or by or against either of the said  
Rural Authorities, or either of the said Highway Boards,  
in relation exclusively to the part of the District of such  
Rural Authority or Highway Board included in the City,  
the same shall not be in anywise prejudicially affected by  
reason of the making of this Order, but may be continued,  
prosecuted, and enforced by or against the Corporation of  
the City.

Saving for contracts, &c. (2.) All contracts, deeds, bonds, agreements, and other  
instruments subsisting on the Ninth day of November,  
One thousand eight hundred and eighty-nine, entered into  
or made by the Local Board whether as a Sanitary Autho-  
rity, Burial Board, or in any other capacity, by the Police

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Committee, or by the Market Committee respectively, or A. D. 1889.  
 by either of the said Rural Authorities, or by either of the  
 said Highway Boards, in relation exclusively to the part of  
 the District of such Rural Authority or Highway Board  
 included in the City, shall be of as full force and effect  
 against or in favour of the Corporation of the City, and  
 may be enforced as fully and effectually as if, instead of the  
 Local Board, the Police Committee, the Market Committee,  
 the Rural Authority, or the Highway Board, as the case  
 may be, the Corporation had been a party thereto.

Art. XXXI. For the purposes of the Elementary Educa- Extension  
of School  
District.  
 tion Acts, 1870 to 1880,—

(1.) The City shall be a School District, and the members 33 & 34  
Vict. c. 75.<sup>1</sup>  
 of the School Board for the existing School District  
 of Oxford who shall be in office on the Ninth day of 36 & 37  
Vict. c. 86.<sup>2</sup>  
 November, One thousand eight hundred and eighty-  
 nine, shall be deemed to have been elected, and shall 39 & 40  
Vict. c. 79.  
 be the School Board for the City, subject to the provi- 43 & 44  
Vict. c. 23.  
 sions of the above-mentioned Acts, which shall operate  
 from and after the Ninth day of November, One  
 thousand eight hundred and eighty-nine, as if the City,  
 the borough fund, or borough rate, and the Corpora-  
 tion had been referred to in Section 93 and the First  
 Schedule of the Elementary Education Act, 1870, as  
 the School District, the local rate, and the rating  
 authority respectively.

(2.) Any byelaws in force in the existing School Dis- Byelaws to  
remain in  
force.  
 trict of Oxford on the Ninth day of November, One  
 thousand eight hundred and eighty-nine, shall thence-  
 forth apply to the City until revoked or altered in accor-  
 dance with the provisions of the above-mentioned Acts.<sup>3</sup>

Art. XXXII. Nothing in this Order contained shall Saving for  
the rights  
and privi-  
leges of the  
University.  
 affect the rights and privileges of civil and criminal judi-  
 cature and trial in the courts of the University alone as the  
 same may have been granted by the charters of the Univer-  
 sity and confirmed by divers Acts of Parliament to the  
 University and to all persons matriculated therein or being  
 members thereof; nor the respective rights, privileges, and  
 franchises of the University and their successors, and the  
 several bodies politic, corporate, collegiate, or sole of the  
 University, and their successors, except so far as the same  
 are hereby expressly altered.

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

<sup>3</sup> School Boards were abolished by 2 Edw. 7. c. 42 except in London.

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- A. D. 1889. **Art. XXXIII.** Sub-section (4) of Section 257 of the  
 Modification of Municipal Corporations Act. Municipal Corporations Act, 1882, shall cease to apply to  
 the City in so far as concerns the offices of such Councillors  
 and Aldermen as represent the University; and sub-section  
 (5) of that section shall altogether cease to apply to  
 the City and the University, and the Colleges and Halls  
 therein, and the members thereof; and the remaining  
 provisions of the said Act relating to the University shall  
 be construed with such modifications as may be necessary  
 for carrying this Order into effect.
- Short title. **Art. XXXIV.** This Order may be cited as the City of  
 Oxford Order, 1889.

The SCHEDULES above referred to.

Article  
 XXIV.

THE FIRST SCHEDULE.

IMPROVEMENT ACTS.

Reign and Chapter.	Title.
11 Geo. III. cap. xix.	An Act intituled "An Act for amending certain of "the Mile Ways leading to Oxford; for making "a commodious entrance through the Parish of "Saint Clement; for rebuilding or repairing Mag- "dalen Bridge; for making commodious Roads "from the said Bridge, through the University and "City, and the avenues leading thereto; for cleans- "ing and lighting the streets, lanes, and places "within the said University and City, and the "suburbs thereof, and the said Parish of Saint "Clement; for removing nuisances and annoy- "ances therefrom, and preventing the like for the "future; for empowering Colleges and Corporations "to alienate their estates there; for removing, "holding, and regulating Markets within the said "City; and for other purposes."
21 Geo. III. cap. xlvii.	An Act intituled "An Act to amend and enlarge "the powers of an Act passed in the eleventh year "of His present Majesty's reign for performing "several works, and making improvements within "the University and City of Oxford, and the suburbs "thereof, and in the adjoining Parish of Saint "Clement."

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Reign and Chapter.	Title.	A. D. 1889.
52 Geo. III. cap. lxxii.	An Act intituled "An Act for enlarging the term "and powers of two Acts of His present Majesty, "for amending certain Mileways leading to Oxford, "and making improvements in the University and "City of Oxford, the suburbs thereof, and adjoining "Parish of Saint Clement, and for other "purposes."	
5 & 6 Will. IV. cap. lxix.	An Act intituled "An Act for continuing the term "and amending and enlarging the powers of three "Acts of His Majesty King George the Third for "amending certain Mileways leading to Oxford, "and making Improvements in the University and "City of Oxford, the Suburbs thereof, and adjoining "Parish of Saint Clement; and for other "Purposes in the said Acts mentioned."	
11 & 12 Vict. cap. xxxvii.	An Act intituled "An Act to amend three Acts of "His Majesty King George the Third and another "Act of His late Majesty King William the Fourth, "for amending certain Mileways leading to Oxford, "and making improvements in the University and "City of Oxford, the Suburbs thereof, and adjoining "Parish of Saint Clement; and for other "Purposes."	

THE SECOND SCHEDULE.

Article  
XIV.

Persons to retire.	Dates of Retirement.
The three councillors for each ward who are elected by the smallest number of votes	1st November 1890.
The three councillors for each ward who are elected by the largest number of votes	1st November 1892.
The other three councillors for each ward	1st November 1891.
The councillor elected by Convocation who is junior in academical standing, and the two councillors elected by the Colleges and Halls who are junior in academical standing	1st November 1890.
The councillor elected by Convocation who is senior in academical standing, and the two councillors elected by the Colleges and Halls who are senior in academical standing	1st November 1892.

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A. D. 1889.	Persons to Retire.	Dates of Retirement.
	The other three councillors representing the University - - - - -	1st November 1891.
	The six aldermen representing the citizens who are elected by the smallest number of votes, and the two aldermen representing the University who are junior in academical standing - - - - -	9th November 1892.
	The other aldermen - - - - -	9th November 1895

If, for any reason, it is doubtful which councillors or aldermen, as the case may be, ought to retire on the dates above specified, the council of the City shall, on the Ninth day of November, One thousand eight hundred and eighty-nine, or at the next following quarterly meeting, and not later, by a majority of votes, or in case of an equality of votes by the casting vote of the chairman, determine which of the councillors or aldermen, as the case may be, in respect of whose retirement such doubt arises, shall go out of office on the dates above specified respectively.

Given under the Seal of Office of the Local Government Board, this Twenty-ninth day of March,  
One thousand eight hundred and eighty-nine.

(L. S.) CHAS. T. RITCHIE, President.  
HUGH OWEN, Secretary.

[The other Provisional Order confirmed by this Act ('The Oxford and Berks Order', 30th March, 1889) extinguishes the representation on the Oxford County Council of the area comprised in the City, and effects a small rectification of the boundary between the counties of Oxford and Berks, transferring a portion of the Parish of Wolvercot in Oxfordshire to the Parish of Wytham in Berks.]

52 & 53 VICT. CHAPTER lxvi.

An Act to provide for further Bridge accommodation over the River Cam and approaches thereto and for other purposes. [9th July 1889.]

[Section 40 of this Act, 'The River Cam Bridges Act A. D. 1889. 1889,' authorizes the exchange by the town corporation of certain portions of Midsummer Common for certain other lands adjoining the Common and belonging respectively to the Master and Master Fellows and Scholars of St. John's College and to the Master Fellows and Scholars of Jesus College, the lands so received in exchange by the town corporation to be subject to all rights of common to which the lands given in exchange were subject, and the lands given in exchange to be discharged from such rights.]

52 & 53 VICT. CHAPTER cxvi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Banbury and Cambridge.

[26th July 1889.]

WHEREAS the Local Government Board have made the Provisional Orders set forth in the Schedule hereto, under the provisions of the Public Health Act, 1875,<sup>38 & 39</sup> and the Local Government Act, 1888:<sup>Vict. c. 55.</sup>

And whereas it is requisite that the said Orders should<sup>51 & 52</sup> be confirmed by Parliament:<sup>Vict. c. 41.</sup>

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Orders as altered and set out in the Schedule hereto shall be and the same are hereby confirmed, and<sup>Orders in Schedule confirmed.</sup> all the provisions thereof shall have full validity and force.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 15) Act,<sup>Short title.</sup> 1889. •.



A. D. 1889.

SCHEDULE.

*Cambridge  
 Order.*

BOROUGH OF CAMBRIDGE.

*Provisional Order made in pursuance of Section 52 of the  
 Local Government Act, 1888, and under Section 297  
 of the Public Health Act, 1875.*

To the County Council for the Administrative County  
 of Cambridge ;—

To the Chancellor, Masters, and Scholars of the  
 University of Cambridge ;—

To the Mayor, Aldermen, and Burgesses of the  
 Borough of Cambridge ;—

To the Commissioners appointed for putting into  
 execution certain Local Acts of Parliament of the  
 reign of His late Majesty King George the Third,  
 and respectively intituled "An Act for the better  
 paving, cleansing, and lighting the Town of Cam-  
 bridge ; for removing and preventing obstructions  
 and annoyances ; and for widening the streets,  
 lanes, and other passages within the said Town,"<sup>1</sup>  
 and "An Act to amend and enlarge the powers  
 of an Act passed in the twenty-eighth year of the  
 reign of His present Majesty, intituled, An Act  
 for the better paving, cleansing, and lighting the  
 Town of Cambridge, for removing and preventing  
 obstructions and annoyances, and for widening  
 the streets, lanes, and other passages within the  
 said Town,"<sup>2</sup> being the Sanitary Authority for  
 the Urban Sanitary District of Cambridge, in the  
 said administrative County ;—

To the Guardians of the Poor of the Cambridge Union,  
 in the same County ;—

And to all others whom it may concern.

<sup>51 & 52</sup>  
<sup>Vict. c. 41.</sup> WHEREAS by Section 52 of the Local Government  
 Act, 1888 (which Act is herein-after referred to as "the  
 Act"), it is enacted that the Local Government Board shall  
 make Provisional Orders for dealing with every case where

<sup>1</sup> 28 Geo. 3. c. 64 (*supra*).

<sup>2</sup> *Supra*.  
<sup>3</sup> 34 Geo. 3. c. 104 (*supra*).

the Council of a Borough is not the Urban Sanitary Authority for the whole of the area of such Borough, and the area of the Borough is either co-extensive with or is wholly or partly comprised in any Urban Sanitary District, and that such Order shall determine whether the area of the Borough or of the Sanitary District, or an area comprising both the Borough and the Urban Sanitary District, or a portion of such united area, shall, whether with or without any adjoining area, be the area of the County District for the purposes of the Act, so, however, that in either case the Order shall provide for the Council of the Borough becoming the District Council, and that the Order may for that purpose alter the boundaries of the Borough; and that where certain members of the Sanitary Authority for any such Urban Sanitary District are appointed by a university or any colleges therein, the Order may provide for the appointment by such university or colleges of members on the District Council;

And whereas the Borough of Cambridge is a Borough within the meaning of the Act, and the inhabitants of the Borough are a body corporate, by the name of the Mayor, Aldermen, and Burgesses of the Borough of Cambridge, and act by the Council of the Borough, which now consists of the Mayor, ten Aldermen, and thirty Councillors;

And whereas the Borough is, for the purposes of the election of Councillors, divided into five wards, to each of which six Councillors are assigned;

And whereas under the provisions of certain Local Acts of Parliament of the reign of His late Majesty King George the Third, and respectively intituled "An Act for the better paving, cleansing, and lighting the Town of Cambridge; for removing and preventing obstructions and annoyances; and for widening the streets, lanes, and other passages within the said Town," and "An Act to amend and enlarge the powers of an Act passed in the twenty-eighth year of the reign of His present Majesty, intituled, "An Act for the better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing obstructions and annoyances, and for widening the streets, lanes, and other passages within the said Town," (which Local Acts are herein-after respectively referred to as "the Act of 1788," and "the Act of 1794,") certain magistrates and officers for the time being of the University of Cam-

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

Ch. cxvi]      *Local Government Board's*      [52 & 53 VICT.  
*Provisional Orders Confirmation (No. 15) Act, 1889.*

A. D. 1889. bridge, and of the colleges and halls therein, certain magistrates and persons of the Corporation, together with the persons therein mentioned and certain other persons to be elected as therein prescribed, were appointed Commissioners (herein-after referred to as "the Commissioners") for putting those Acts into execution within the Town of Cambridge;

9 & 10 Vict.  
c. cccxl.      And whereas by another Local Act of Parliament of the reign of Her present Majesty Queen Victoria intituled "An Act to amend the Cambridge Improvement Acts, "and to exempt the Eastern Counties Railway Company "from certain Tolls thereby imposed" herein-after referred to as "the Act of 1846.") provision was made for the payment by the Eastern Counties (now the Great Eastern) Railway Company to the Commissioners of a fixed annual sum in lieu of certain tolls payable by them under the Acts of 1788 and 1794<sup>1</sup>;

14 & 15  
Vict.  
c. xcii.<sup>2</sup>      And whereas by the River Cam Navigation Act, 1851 (herein-after referred to as "the Act of 1851") certain persons (including three persons to represent the University of Cambridge, and three persons, being members of the Council, to represent the Borough) were appointed Conservators of the River Cam;

19 Vict.  
c. xvii.<sup>3</sup>      And whereas by the Cambridge Award Act, 1856 (herein-after referred to as "the Act of 1856"), provision was made with respect to certain differences that had arisen between the University of Cambridge and the Corporation;

38 & 39  
Vict. c. 55.<sup>4</sup>      And whereas by Section 6 of the Public Health Act, 1875, it is enacted that, for the purposes of that Act, the Borough of Cambridge should not be deemed to be a Borough, and should be deemed to be an Improvement Act District, and by virtue of that section that Improvement Act District became an Urban Sanitary District (herein-after referred to as "the Sanitary District") of which the Commissioners are the Urban Sanitary Authority;

44 Vict.  
c. xv.      And whereas by a Provisional Order of the Local Government Board dated the Eighteenth day of March, One thousand eight hundred and eighty-one, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bath, &c.) Act, 1881 (which Order and Act are herein-after respectively referred to as "the "Order of 1881" and "the Confirming Act of 1881"), the

<sup>1</sup> See note to 28 Geo. 3. c. 64. ss. 39-42 (*supra*).

<sup>2</sup> *Supra*.

<sup>3</sup> *Supra*.

<sup>4</sup> *Supra*.

52 & 53 Vict.] *Local Government Board's* [Ch. cxvi  
*Provisional Orders Confirmation (No. 15) Act, 1889.*

Act of 1788 and the Act of 1794 were partially repealed A. D. 1889, and altered<sup>1</sup>;

And whereas<sup>a</sup> the Council of the Borough is not the Urban Sanitary Authority for the area of the Borough, and the Borough is co-extensive with the Sanitary District, and the University is represented on the said Urban Sanitary Authority in manner aforesaid :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 52 and 59 of the Act, by Section 297 of the Public Health Act, 1875, and by any other enactments in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect :—

Art. I. This Order shall come into operation on the Ninth day of November, One thousand eight hundred and eighty-nine, except so far as is otherwise herein expressly provided.

Art. II. The several terms in this Order shall have the same meanings respectively as are assigned to them by Section 100 of the Act, and the term "Colleges and Halls" shall be taken to include public hostels.

Art. III.—(1.) The area bounded as herein-after mentioned (being the area both of the Borough and of the Sanitary District) shall be the area of the County District for the purposes of the Act, and the Mayor, Aldermen, and Burgesses of the Borough, acting by the Council of the Borough, constituted and elected in the manner herein-after provided, shall become the District Council for such County District.

(2.) The boundary of the County District and Borough shall be that shown by a red line on the maps, each marked "Map of the Borough of Cambridge, 1889," and sealed with the official seal of the Local Government Board, one of which shall be deposited in the office of the said Board, and the other of which shall be deposited by the town clerk of the Borough at his office within seven days after the date of this Order.

Art. IV.—(1.) Copies of the said map deposited with the town clerk, certified by him, shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council for the administrative County of Cambridge, to the Director-General of

<sup>1</sup> See first notes to 28 Geo. 3. c. 64 (*supra*) and 34 Geo. 3. c. 104 (*supra*).

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*Provisional Orders Confirmation (No. 15) Act, 1889.*

A. D. 1889. Her Majesty's Ordnance Survey at Southampton, and to the Registry of the University.

(2.) Copies of or extracts from the said map deposited with the town clerk, certified by him to be true, shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of such map so far as relates to the boundaries of the Borough; and such map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the Borough, and any such person shall be entitled to a copy of or extract from such map, certified by the town clerk, on payment of a reasonable fee for every such copy or extract. All sums received under this Article shall be carried to the credit of the borough fund.

Number of  
Coun-  
cillors.

Art. V. The number of Councillors of the Borough shall be increased from thirty to thirty-six, of whom thirty shall continue to be elected by the Burgesses of the Borough, and six shall be elected to represent the University in the manner herein-after directed.

Election of  
Councillors  
by the  
University.

Art. VI. With respect to the election of Councillors to represent the University the following provisions shall apply:—

(1.) Two of such Councillors shall be nominated by the Council of the Senate of the University, and be elected by grace of the Senate, and the remaining four shall be elected by the colleges and halls of the University situated within the Borough, in such manner as shall be from time to time determined by grace of the Senate. The Vice-Chancellor of the University or his deputy shall be the returning officer at all elections of such Councillors.

(2.) Every member of the Senate of the University (whether a Clerk in Holy Orders or the regular minister of a dissenting congregation or not) who is resident in a college or hall of the University situated within the Borough, or is resident in the Borough, and every person who is enrolled and entitled to be enrolled as a Burgess of the Borough, shall be qualified to be elected such Councillor, and every such Councillor shall be qualified to be elected Alderman or Mayor.

(3.) The annual election of such Councillors shall be held on such day or days, not earlier than the Fifteenth day of October and not later than the First day of November, as may from time to time be appointed by the Vice-Chancellor.

(4.) The Registry of the University shall forward to A. D. 1889.  
the town clerk immediately after the election has been  
completed,\* and not later than the Third day of  
November, a statement of the persons elected as such  
Councillors, and, in the case of the first election, of the  
term of office for which each of them was elected.

(5.) Any vacancy among such Councillors, whether  
occurring in the regular course or casually, shall be  
filled up by the election of a Councillor by the body  
which elected the Councillor whose place has become  
vacant, and any Councillor elected to fill a casual  
vacancy shall hold office until the time when the person  
in whose place he is elected would regularly have gone  
out of office, and he shall then go out of office. An  
election to fill a casual vacancy among such Councillors  
shall be held as soon as practicable after the vacancy  
occurs. The town clerk shall give notice to the Regis-  
trary of vacancies among such Councillors.

(6.) The provisions of Sections 11, 12 (1) (b), 51 to 59 45 & 46  
Vict. c. 50.  
(both inclusive), and 66 of the Municipal Corporations  
Act, 1882, shall not apply to elections of such Coun-  
cillors.

(7.) Six Councillors shall be elected as in this Article  
mentioned at the annual election in the year One thou-  
sand eight hundred and eighty-nine; and for the  
purposes of that election this Order shall operate from  
the date of the Act of Parliament confirming the same.

Art. VII. The number of Aldermen of the Borough shall Number of  
Aldermen.  
be increased from ten to twelve, of whom two shall be  
elected from among the Councillors elected to represent the  
University; and the provisions of the Municipal Corpora-  
tions Act, 1882, relating to the election of Aldermen, shall  
be modified accordingly. The first election of the two  
additional Aldermen shall be on the Ninth day of Novem-  
ber, One thousand eight hundred and eighty-nine.

Art. VIII.—(1.) At the first election of Councillors to Terms of  
office of  
Councillors  
first elected  
by Univer-  
sity.  
represent the University, they shall be elected for the  
following terms of office; that is to say,—

One of the Councillors elected by grace of the Senate,  
and one of those elected by the Colleges and Halls,  
for a term ending on the First day of November, One  
thousand eight hundred and ninety;

The other Councillor elected by grace of the Senate, and  
one of the Councillors elected by the Colleges, and

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*Provisional Orders Confirmation (No. 15) Act, 1889.*

A. D. 1889. Halls, for a term ending on the First day of November,  
 One thousand eight hundred and ninety-one;  
 The other two Councillors elected by the Colleges' and  
 Halls for a term ending on the First day of November,  
 One thousand eight hundred and ninety-two;

Retirement of additional Aldermen. (2.) Of the two Aldermen elected in pursuance of Article VII., one shall go out of office on the Ninth day of November, One thousand eight hundred and ninety-two, and the other on the Ninth day of November, One thousand eight hundred and ninety-five; and the Council of the Borough shall, on the Ninth day of November, One thousand eight hundred and eighty-nine, or at the next following quarterly meeting, and not later, by a majority of votes, or in case of an equality of votes by the casting vote of the chairman, determine which of the said Aldermen shall go out of office on the dates above specified respectively.

Byelaws, &c. to continue in force. Art. IX. All byelaws and regulations made by the Commissioners which, on the Ninth day of November, One thousand eight hundred and eighty-nine, are in force within the Sanitary District shall continue in force within and apply to the Borough, except in so far as the same may hereafter be altered or repealed; and save that the Corporation shall be substituted for the Commissioners throughout the byelaws and regulations.

Town clerk and other officers continued. Art. X. The town clerk and all other officers and servants of the Corporation of the Borough who hold office on the Ninth day of November, One thousand eight hundred and eighty-nine, shall continue to be the town clerk and officers and servants of the Corporation of the Borough, and shall hold their offices by the same tenure as at that date.

Compensation to existing officers. 51 & 52 Vict. c. 41. Art. XI. The provisions of sub-section (13) of Section 118 and of Sections 119 and 120 of the Act shall apply to the persons who on the Ninth day of November, One thousand eight hundred and eighty-nine, hold office as officers or servants of the Commissioners, with the substitution of "district fund and general district rate" in sub-section (8) of Section 120 for "county fund as a payment for general  
 • "county purposes," and with such other modifications as are necessary to make those provisions applicable to the said officers and servants and to the Corporation.

Property, &c. of Commissioners. Art. XII.—(1.) All property, powers, duties, and liabilities which immediately before the Ninth day of November, One thousand eight hundred and eighty-nine, are vested in

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*Provisional Orders Confirmation (No. 15) Act, 1889.*

or attached to the Commissioners shall be transferred to, A. D. 1889.  
vested in, and attached to the Corporation as Urban Sanitary Authority, and all arrears of rates which at the date aforesaid are due or owing to the Commissioners may be collected and recovered by the Corporation.

(2.) The Commissioners shall on the Ninth day of November, One thousand eight hundred and eighty-nine, be abolished and cease to exist. Commissioners abolished.

Art. XIII. The accounts of the Commissioners and their officers up to the Ninth day of November, One thousand eight hundred and eighty-nine, shall be audited by the proper officer of the Local Government Board in like manner and subject to the like right of appeal as if this Order had not been made. Audit of accounts of Commissioners.

Art. XIV.—(1.) The unrepealed provisions of the Act of 1788 (except Sections 63, 74, 76, 77, 87, 88, 89, 92, and 101), and of the Act of 1794 (except Sections 21 and 25), shall be wholly repealed except so far as the same may have been acted upon, and except so far as it may be necessary to continue the same for the purpose of recovering any rate made prior to the Ninth day of November, One thousand eight hundred and eighty-nine. Repeal and alteration of Local Acts.

(2.) The Act of 1788 and the Act of 1794, as altered by the Order of 1881 and this Order, shall be further altered so that the unrepealed provisions thereof shall apply to the Corporation instead of the Commissioners, and so that they may hereafter be respectively referred to as the Cambridge Improvement Act, 1788, and the Cambridge Improvement Act, 1794.

(3.) The Act of 1846 shall be wholly repealed except so far as the same may have been acted upon.

(4.) Sections 19, 20, and 22 of the Act of 1851 shall be altered so as to provide that the Councillors representing the University, and the Aldermen chosen from among such Councillors, shall not be eligible for election to represent the Borough as Conservators of the River Cam or as auditors of the accounts of those Conservators.

(5.) Sections 23, 25 to 31, 37, 38, 50, and 56 to 61 (all inclusive) of the Act of 1856 shall be wholly repealed, except so far as the same may have been acted upon.

(6.) Section 35 of the Act of 1856 shall cease to apply to the service of any municipal office by Councillors elected to represent the University, and Aldermen elected from among such Councillors.



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*Provisional Orders Confirmation (No. 15) Act, 1889.*

A. D. 1889. Art. XV. The Act of 1856 shall be further altered so as  
 Rating, &c. to provide as follows:—

(1.) From and after the Ninth day of November, 'One  
 thousand eight hundred and eighty-nine, the general  
 law applicable to rateability, valuation, and rating of  
 property for the purposes of the rates for the relief of  
 the poor, the rates leviable under the Public Health  
 Act, 1875, the Borough rate, and all other rates shall  
 apply also to the property of the University and of  
 a college or hall therein without any exemption or  
 distinction of or in favour of the same, except that  
 a chapel of a college or hall shall be deemed to be an  
 episcopal chapel within the meaning of the Act relating  
 to the exemption of churches and chapels from rates,<sup>1</sup>  
 and shall be exempt accordingly.

Union  
 Assessment  
 Committee.

(2.) The Assessment Committee of the Cambridge Union  
 (herein-after referred to as the Assessment Committee)  
 shall be constituted in accordance with the following  
 provisions:—

(3.) The Assessment Committee shall consist of twenty-  
 four members, twelve of whom shall be annually  
 appointed by the Guardians of the Poor of the Cam-  
 bridge Union (herein-after referred to as "the Guar-  
 "dians"), four by the University, in such manner as may  
 be from time to time determined by grace of the Senate  
 of the University, and eight by the Council of the  
 Borough from among themselves. The appointments  
 by the University and by the Council of the Borough  
 shall be forthwith certified to the clerk to the Guardians.

(4.) The first appointments shall be made as soon as  
 practicable after the Ninth day of November, One  
 thousand eight hundred and eighty-nine, and the  
 Assessment Committee so appointed shall continue  
 in office until the appointment of a new Committee in  
 the year One thousand eight hundred and ninety, at  
 the time prescribed by the Union Assessment Com-  
 mittee Act, 1862.

25 & 26  
 Vict. c. 103.

(5.) No member of the Assessment Committee shall be  
 precluded from acting and voting on that committee  
 by reason only of his being a member of any body  
 corporate or shareholder in any company, and thereby  
 interested in property subject to the operation of the  
 powers of the committee.

<sup>1</sup> 3 & 4 Will. 4. c. 30.

- (6.) Any casual vacancy among the members appointed A. D. 1889. by the University and the Council of the Borough shall, with all convenient speed, be filled by the University or by the Council of the Borough respectively in such manner as may be from time to time determined by grace of the Senate of the University and by the Council of the Borough respectively.
- (7.) The Assessment Committee appointed under this Article shall hold their first meeting on the Twenty-second day of November, One thousand eight hundred and eighty-nine, at twelve at noon, at the Guildhall in the Borough, or at such other time or place as shall be appointed by the Guardians.
- (8.) The provisions of the Union Assessment Committee Act, 1862, and of the Acts amending the same, shall, so far as is consistent with the provisions of this Order, apply to the Assessment Committee constituted under this Order, and to the powers, functions, and duties of such committee.
- (9.) Subject to any directions given by the Assessment Committee, the overseers of each parish within the Cambridge Union shall, within two months after the first meeting of the Assessment Committee appointed under this Order, make a new valuation of all the rateable hereditaments in such parish, and a new valuation list in substitution for the valuation list then in force; and the Assessment Committee may, in relation to such new valuation and the making of such new valuation list, from time to time give and make all such or the like directions and provisions, and exercise all such powers in relation thereto as Assessment Committees are authorised, to give, make, and exercise under the Union Assessment Committee Act, 1862, and the Acts amending the same.

Art. XVI.—(1.) For defraying expenses incurred by the Commissioners before the Ninth day of November, One thousand eight hundred and eighty-nine, in the execution of the purposes of the Act of 1788 and the Act of 1794, and of the Public Health Act, 1875, or to be incurred after that date by the Corporation in the execution of the purposes of the unrepealed provisions of the Act of 1788 and the Act of 1794, and of the Public Health Act, 1875, the Corporation shall have power to make and levy from time to time, when and as often as occasion requires, a general

Expenses of Commissioners and Corporation, how to be defrayed.

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A. D. 1889. district rate under and in accordance with the provisions of the Public Health Act, 1875, and all the provisions of that Act relating to district funds and general district rates (including the provisions relating to appeals against rates) shall apply to the Corporation and the Borough as if the purposes of the Act of 1788 and the Act of 1794 were purposes of the Public Health Act, 1875.

Existing mortgages. (2.) All moneys owing by the Commissioners immediately before the Ninth day of November, One thousand eight hundred and eighty-nine, on the security of the improvement rate leviable by them under the Act of 1788 and the Act of 1794, either alone or with some other security (the liability for the repayment of which moneys will, by virtue of Article XII. of this Order, attach to the Corporation), shall be deemed to have been borrowed on the security of the general district rate leviable under the Public Health Act, 1875, either alone or together with such other security, as the case may be, and the general district rate shall be substituted for the improvement rate in every mortgage or other instrument of security granted or issued by the Commissioners before the Ninth day of November, One thousand eight hundred and eighty-nine, so that mortgagees and other creditors may have the like rights and remedies to all intents against the general district rate as they would have had against the improvement rate if this Order had not been made.

Saving for rights and privileges of University. Art. XVII. Nothing in this Order contained shall affect the exclusive rights and privileges of civil and criminal judicature and trial in the courts of the University as the same may have been granted by the charters of the University and confirmed by divers Acts of Parliament to the University and to all persons matriculated therein or being members thereof, nor any other of the respective rights, privileges, and franchises of the University and their successors, and the several bodies politic, corporate, collegiate, or sole of the University, and their successors, except so far as the same are hereby expressly altered.

Modification of Municipal Corporations Act, 1882. Art. XVIII. Sub-section (4) of Section 257 of the Municipal Corporations Act, 1882, shall cease to apply to the Borough in so far as concerns the offices of Councillors elected to represent the University and Aldermen elected from among such Councillors; and sub-section (5) of that section shall altogether cease to apply to the Borough and the University, and the Colleges and Halls therein, and the

32 & 53 VICT.] *Local Government Board's* [Ch. cxvi  
*Provisional Orders Confirmation (No. 15) Act, 1889.*

members thereof; and the remaining provisions of the said A. D. 1889.  
 Act relating to the University shall be construed with such  
 modifications as may be necessary for carrying this Order  
 into effect.

Art. XIX. This Order may be cited as the Borough of Short title.  
 Cambridge Order, 1889.

Given under the Seal of Office of the Local Govern-  
 ment Board, this Fourth day of June, One  
 thousand eight hundred and eighty-nine.

(L. S.) CHAS. T. RITCHIE, President.  
 HUGH OWEN, Secretary.

53 VICT. CHAPTER 8.

An Act to grant certain Duties of Custom and A. D. 1890.  
 Inland Revenue, to repeal and alter other Duties,  
 and to amend the Laws relating to Customs and  
 Inland Revenue. [9th June 1890.]

1. This Act may be cited as the Customs and Inland Short title.  
 Revenue Act, 1890.

28. Notwithstanding any enactment to the contrary, the Assessment  
 assessment and collection of the duties of income tax, and of Univer-  
 of the duties on inhabited houses within the Universities of sities of  
 Oxford and Cambridge, shall be deemed to have been as *Oxford and*  
 from the fifth day of April one thousand eight hundred and *Cam-*  
 eighty-six, and shall be subject to the provisions following; *bridge.*  
 (that is to say,)

- (a.) Any college or hall for the time being attached to or  
 associated with the University of Oxford, and all offices  
 and employments in connexion therewith, and persons •  
 residing therein shall be within the jurisdiction of the  
 General Commissioners for that university;
- (b.) The General Commissioners for the University of  
 Cambridge shall be the commissioners for the said duties

- A. D. 1890. , in respect of all the university buildings, and the colleges, halls, and public hostels for the time being attached to or associated with that university, and of all offices and employments in connexion therewith, and of the profits or gains of all persons residing therein :
- (c.) Each of the said jurisdictions shall be deemed to be one parish or place for the purposes of assessment and collection.<sup>1</sup>

53 & 54 VICT. CHAPTER ccxxiii.

An Act to enable the Mayor Aldermen and Citizens of Oxford to acquire the Church of Saint Martin in the said City to make new Streets and Street Improvements to create and issue Corporation Stock and to make further provision for the Improvement and good Government of the City and for other purposes. [14th August 1890.]

<sup>1</sup> By 43 & 44 Vict. c. 19. s. 27 (1) the General Income Tax Commissioners were made Commissioners for Inhabited House Duty in their respective districts; and by s. 42 they were required to appoint inhabitants of each parish therein assessors for such parish. By 47 & 48 Vict. c. 62. s. 6. subs. 1 parishes or places existing for poor law administration were constituted parishes or places for assessment of Income Tax and Inhabited House Duty; and by subs. 2 the Board of Inland Revenue were empowered, in the case of a parish or place in the jurisdiction partly of one and partly of another body or other bodies of Commissioners, to determine which body should have jurisdiction over the whole. No special provision was made for the Universities of Oxford and Cambridge, which had their own bodies of Commissioners with jurisdiction extending over several parishes subject as to their non-university inhabitants to the jurisdiction of a different body. Subs. 2 did not meet the requirements of the case. The course adopted, to which this section gives retrospective sanction, was to treat each University with its Colleges, Halls, and Hostels, as a parish to be separately assessed. As regards Oxford legislative authority for that course was thought to be found in Art. XII of the Order of the 14th of June, 1875, confirmed by 38 & 39 Vict. c. clxviii (*supra*), which made the Colleges and Halls a separate parish for certain purposes of the poor law; but doubt existed in consequence of observations made by Jessel M. R. in *The Oxford Guardians v. Evans* (*Times*, 3rd of December, 1883), limiting the construction to be placed on that section.

And whereas by the Act 17 George II. chapter 40 it is A. D. 1890. provided (section XI.)<sup>1</sup> that no person shall sell wine by 17 Geo. II. cap. 40 sec. xi. retail within the university of Oxford or the precincts thereof unless such person be duly licensed or authorised so to do by the Chancellor or Vice-Chancellor of the said university :

And whereas it was part of the arrangement between the university and the Corporation on the application for the said Order of the Local Government Board<sup>2</sup> that the revenues received by the university for the granting of the said licenses should be paid to the borough fund of the said city and it is expedient that the said agreement be carried into effect :

1. This Act may be cited for all purposes as the Oxford Short title. Corporation Act 1890.

9. On the next avoidance of the church of Saint Martin or of the church of All Saints (whichever shall first happen) the following provisions shall have effect (that is to say) :— Union of the two benefices and parishes of Saint Martin and All Saints.

- (1) All right of appointing or presenting a rector curate or other minister to the church or benefice of Saint Martin shall cease to exist and the said benefice shall be united with the benefice of the adjoining parish of All Saints ;
- (2) The united benefice shall be called the benefice of Saint Martin and All Saints ;
- (3) The glebe lands and all other the endowments and emoluments of and belonging to the benefice of Saint Martin shall belong to the said united benefice ;
- (4) The continuing incumbent whether the rector of Saint Martin or the vicar of All Saints shall become the incumbent of the united benefice of Saint Martin and All Saints and shall be styled the rector of Saint Martin and All Saints Provided that nothing in this subsection shall alter the rights duties or obligations of the rector

<sup>1</sup> *Supra.*

<sup>2</sup> Order of the 29th of March, 1889, confirmed by 52 & 53 Vict. c. xv (*supra*).

A. D. 1890.      and scholars of Lincoln College as patrons and rectors  
of the benefice of All Saints ;

Means of  
ingress to  
and egress  
from places  
of public  
resort.

31. Subject to the provisions in this section contained every building which shall after the passing of this Act be used as a place of public resort shall to the satisfaction of the Corporation be substantially constructed and supplied with ample safe and convenient means of ingress and egress for the use of the public regard being had to the purposes for which such building is intended to be used and to the number of persons likely to be assembled at any one time therein.

The means of ingress and egress to and from such building shall be during the whole time that such building shall be so used as available and unobstructed as the Corporation shall require.

Whenever any building shall be used as a place of public resort contrary to the provisions of this section the occupier or person in charge thereof and where such place is let for any period less than one year the owner thereof as well shall be deemed to have committed an offence against the provisions of this section.

An officer authorised in writing by the Corporation and producing his authority if so required may at all reasonable times enter any such building to see that the provisions of this section are complied with Every person who shall offend against the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

For the purpose of this section the expression "place of public resort" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church chapel or other place of public worship or as a college or school (not being merely a dwelling-house so used) or as a theatre public hall public concertroom public ballroom public lecture room or public exhibition room or as a public place of assembly for persons admitted thereto by tickets or by payment or used or constructed or adapted

to be used either ordinarily or occasionally for any other public purpose but shall not include a private dwelling-house used occasionally or exceptionally for any of those purposes Provided that this enactment shall not extend to any such church chapel or other place of public worship used as such before or at the passing of this Act Provided also that any court before which a penalty is sought to be recovered under this section may refuse to inflict such a penalty when the court is satisfied that a reasonable time had not elapsed to admit of the necessary alterations being made but the court may make such order as it thinks fit for the closing or otherwise of the building during such time. A. D. 1890.

119. The power of granting licenses for the sale of wines by retail within the university of Oxford or the precincts thereof conferred on the Chancellor or Vice-Chancellor of the said university and the revenue derived from such grants are hereby transferred to the Corporation and section XI of the Act 17 George II. chapter 40<sup>1</sup> shall be read and construed accordingly.<sup>2</sup> Transfer to Corporation of powers to grant wine licenses.

198. Nothing in this Act contained shall affect the rights and privileges of civil and criminal judicature and trial in the courts of the university alone as the same may have been granted by the charters of the university and confirmed by divers Acts of Parliament to the university and to all persons matriculated therein or being members thereof nor the respective rights privileges and franchises of the university and their successors and the several bodies politic corporate collegiate or sole of the university and their successors except so far as the same are hereby expressly altered. Saving rights &c. of university of Oxford and its colleges.

<sup>1</sup> *Supra.*

<sup>2</sup> By the Inland Revenue Act, 1875 (38 & 39 Vict. c. 23) s. 9 it was enacted that a licence for the sale of foreign wine by a dealer or retailer should be granted so as to extend to the sale of 'sweets or made wine or mead or metheglin' without the payment of any further duty. In *Roberts v. Twining* (25 Times L. R. 525) it was held that this provision applied to a wine licence granted by the University of Oxford, or by the City Corporation as transferees of the University's licensing power, as well as to an excise licence.



CH. 73] *Mortmain and Charitable Uses Act*, [54 & 55 VICT.  
1891.

54 & 55 VICT. CHAPTER 73.

A. D. 1891. An Act to amend the Mortmain and Charitable Uses Act, 1888, and the Law relating to Mortmain and Charitable Uses. [5th August 1891.]

[This Act, the Mortmain and Charitable Uses Act, 1891, allows testators dying after the passing thereof to devise or bequeath for the benefit of a charity land or money to be laid out in land, but requires that land so left shall be sold and money so left shall not be laid out in land; an exception being made for land left or proposed to be purchased if the High Court, a judge thereof sitting at chambers, or the Charity Commissioners, sanction its retention or acquisition, being satisfied that it is required for actual occupation for the purposes of the Charity.]

Saving. 10. Nothing in this Act contained shall limit or affect the exemptions contained in Part Three of the Mortmain and Charitable Uses Act, 1888,<sup>1</sup> or apply to any land or personal estate to be laid out in the purchase of land acquired under any assurance to which such exemptions or any of them apply, or shall exclude or impair any jurisdiction or authority which might otherwise be exercised by a court or judge of competent jurisdiction or by the Charity Commissioners.

55 VICT. CHAPTER 4.

A. D. 1892. An Act to render Penal the inciting Infants to Betting or Wagering or to borrowing Money.

[29th March 1892.]

[Sections 1 and 2 make it a misdemeanour to send to a person whom the sender knows to be an infant a circular, notice, advertisement, letter, telegram, or other

<sup>1</sup> 51 & 52 Vict. c. 42 (*supra*).

document inviting him to bet or to borrow money, A. D. 1892.  
or offering information or advice as to betting or  
borrowing money.]

3. If any such circular, notice, advertisement, letter, tele-  
gram, or other document as in the preceding sections or either  
of them mentioned is sent to any person at any university,  
college, school, or other place of education, and such  
person is an infant, the person sending or causing the same  
to be sent shall be deemed to have known that such person  
was an infant, unless he proves that he had reasonable  
ground for believing such person to be of full age.

Knowledge  
of infancy  
presumed  
in certain  
cases.

## 57 VICT. CHAPTER 9.

An Act to amend the provisions of the Solicitors A. D. 1894.  
Act, 1877, relating to the Examination of Persons  
applying to be admitted Solicitors of the Supreme  
Court in England. [18th June 1894.]

BE it enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords  
Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the authority of the same,  
as follows:

1. This Act may be cited as the Solicitors Act, 1894, Short title  
and shall be construed together with the Solicitors Act, and con-  
struction.  
1877.

2. Words and expressions to which meanings are assigned Interpretation.  
by the Solicitors Act, 1877, have in this Act the same re-  
spective meanings. 40 & 41  
Vict. c. 25.<sup>1</sup>

3. It shall be lawful for the Incorporated Law Society, Power of  
by regulations made under section six of the Solicitors Act, Society to  
1877, to exempt from the whole or from any part of the exempt  
intermediate examination persons who have, before the from inter-  
passing of this Act, obtained, or who shall hereafter obtain, mediate  
the degree of bachelor of civil law or bachelor of laws or examina-  
tion per-  
sons who  
have taken  
certain de-  
grees, &c.

<sup>1</sup> *Supra.*

A. D. 1894. bachelor of law or a certificate of having passed the examination required for such degree at any university in the United Kingdom, or any such other degree or distinction in any school or faculty of law or jurisprudence at any university in the United Kingdom as shall be from time to time specified in the regulations.<sup>1</sup>

A person exempted from the whole of the intermediate examination may be admitted as a solicitor without a certificate of having passed such examination, and a person exempted from part of the intermediate examination may be admitted as a solicitor if he has obtained a certificate of having passed the part or parts of the examination from which he is not exempted.

### 57 & 58 VICT. CHAPTER 30.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Law relating to Customs and Inland Revenue, and to make other provision for the financial arrangements of the year.

[31st July 1894.]

15.—(1.) . . . . .

Exemptions from  
Estate  
duty.

(2.) It shall be lawful for the Treasury to remit the Estate duty, or any other duty leviable on or with reference to death, in respect of any such pictures, prints, books, manuscripts, works of art or scientific collections, as appear to the Treasury to be of national, scientific, or historic interest, and to be given or bequeathed for national purposes, or to any university

<sup>1</sup> The Incorporated Law Society have made a Regulation under the power hereby conferred which provides that a certificate that an Articled Clerk has before entering into his Articles passed the examinations for the degree of B.C.L. or LL.B. at Oxford, Cambridge, London, or Dublin University, or has taken honours in the Final Honour School of Jurisprudence at Oxford or in the Law Tripos at Cambridge shall be accepted in lieu of the Intermediate Examination.

or to any county council or municipal corporation, and A. D. 1894.  
 no property the duty in respect of which is so remitted  
 shall be aggregated with any other property for the  
 purpose of fixing the rate of Estate duty.<sup>1</sup>

42. This Act may be cited as the Finance Act, 1894.

Short title.

## 57 & 58 VICT. CHAPTER 46.

### An Act to consolidate the Copyhold Acts.

[25th August 1894.]

78. Where any manor belonging to any of the Universities of Oxford Cambridge and Durham, or any college therein, or to either of the colleges of St. Mary at Winchester, near Winchester, or King Henry the Sixth at Eton, is held by any person on a lease for a life or lives, or for a term of years granted by any such university or college, that university or college and lessee shall jointly constitute the lord of the manor within the meaning of this Act, and any rentcharge created under this Act on the enfranchisement of land held of that manor shall be in favour of, and the compensation for the enfranchisement may be paid to, the person who at the date of the enfranchisement is entitled in possession to the profits of the manor, his executors and administrators, but without prejudice to any question as to the further disposal of any money paid in respect of the rentcharge or other compensation respectively. Provided that on the determination of such lease as aforesaid any money so paid or any securities in which the same may have been invested shall be paid or applied as enfranchisement money is directed to be paid and applied by section one of the Universities and College Estates Act, 1858.

Provision  
for case of  
joint lords  
of manors  
belonging  
to univer-  
sities and  
colleges.

21 & 22  
Vict. c. 44.<sup>2</sup>

<sup>1</sup> See as to legacy duty (*supra*) 39 Geo. 3. c. 73 and 55 Geo. 3. c. 184.

<sup>2</sup> *Supra*.

57 & 58 VICT. CHAPTER lx.

A. D. 1894. An Act to amend the Law relating to the jurisdiction of the Chancellor Vice-Chancellor and other authorities of the University of Cambridge over persons not Members of the University and to make better provision for the use of commons the management of markets and fairs and in other respects for the local government and improvement of the borough of Cambridge and for other purposes. [3rd July 1894.]

WHEREAS by a charter dated or purporting to be dated the twenty-sixth day of April in the third year of Her reign Her Majesty Queen Elizabeth granted (among other things) "That the Chancellor Masters and "Scholars of the University of Cambridge by themselves "or their deputies officers servants and ministers from time "to time as well by day as by night at their pleasure might "make scrutiny search and inquisition in the town and "suburbs and in Barnwell and Sturbridge for all common "women bawds vagabonds and other suspected persons "coming or resorting to the town and suburbs or the said "fairs and punish all whom on such scrutiny search and "inquisition they should find guilty or suspected of evil by "imprisonment of their bodies banishment or otherwise as "the Chancellor or his vice-gerent should deem fit And "the mayor bailiffs and other officers and ministers of the "town and all other persons whatsoever were commanded "not to impede such scrutiny search and inquisition but on "request of the Chancellor or his vice-gerent aid and assist "therein under pain of contempt and incurring the indigna- "tion of the Queen Her heirs and successors":

And whereas by an Act passed in the thirteenth year of the reign of Queen Elizabeth chapter twenty-nine intituled "An Acte for Thincorporatōn of bothe Thuniversityes"<sup>1</sup>

<sup>1</sup> 13 Eliz. c. 29 (*supra*).

(section 2) the said charter was declared to be good effectual and available in law to all intents constructions and purposes: A. D. 1894.

And whereas by section 3 of an Act of Parliament passed in the sixth year of His Majesty King George the Fourth intituled "An Act for the better preservation of the peace and good order in the Universities of England" it was enacted "that every common prostitute and night-walker found wandering in any public walk street or highway within the precincts of the said University of Oxford and not giving a satisfactory account of herself shall be deemed an idle and disorderly person within the true intent and meaning of the Act 5 Geo. IV. cap. 83 intituled 'An Act for the punishment of idle and disorderly persons and rogues and vagabonds in that part of Great Britain called 'England' and shall and may be apprehended and dealt with accordingly": 6 Geo. IV.  
c. 97.<sup>1</sup>

And whereas it is expedient to repeal the recited portion of the charter and so much of the first recited Act or any other Act as confirms or preserves the same and to extend to the University of Cambridge the recited section 3 of the said Act 6 Geo. IV. cap. 97 and to confer further powers on the proctors and pro-proctors of the University of Cambridge for the maintenance of discipline among its members:

And whereas by section 10 of the Theatres Act 1843 no theatre or other place of public resort can be licensed for the public performance of stage plays within the precincts of the University of Cambridge or within fourteen miles of the town of Cambridge without the consent of the Chancellor or Vice-Chancellor of the University: 6 & 7 Vict.  
c. 68.<sup>2</sup>

And whereas by section 16 of the Cambridge Award Act 1856 no occasional public exhibition or performance (whether strictly theatrical or not) other than performances in theatres regulated by the Theatres Act 1843 can take place within the borough of Cambridge (except during the period of the 9 Vict.  
c. xvii.<sup>3</sup>

<sup>1</sup> *Supra.*

<sup>2</sup> *Supra.*

<sup>3</sup> *Sic.* The Act referred to is 19 & 20 Vict. c. xvii (*supra*).

A. D. 1894. Midsummer Fair or in the Long Vacation) unless with the consent in writing of the Vice-Chancellor and the mayor :

And whereas the mayor aldermen and burgesses of the borough of Cambridge (in this Act called the Corporation) are the local authority within the meaning of the Public Health Acts Amendment Act 1890<sup>1</sup> and a resolution of the council of the borough was duly passed on the 13th day of July 1893 for the adoption of Part IV. (music and dancing) of that Act and fixing the 1st day of October then next for the coming into operation of the same within the borough :

And whereas it is not necessary or expedient to maintain the aforesaid jurisdiction of the Chancellor and Vice-Chancellor as it now exists and it is desirable to make such provisions relative thereto as this Act contains :

And whereas the objects aforesaid cannot be obtained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

#### PART I.—PRELIMINARY.

Short title. 1. This Act may be cited as the Cambridge University and Corporation Act 1894.

Interpreta- 2. In this Act the following words and expressions have  
tion. the meanings hereby assigned to them unless the subject or context otherwise requires :—

“ The Corporation ” means the mayor aldermen and burgesses of the borough of Cambridge ;

“ The borough ” means the municipal borough of Cambridge ;

<sup>1</sup> 53 & 54 Vict. c. 59.

PART II.—UNIVERSITY JURISDICTION.

A. D. 1894.

4. This part of this Act shall (unless otherwise expressed) extend and apply to the whole of the borough and to any area beyond the borough situate within two miles and a half from the church of St. Mary the Great in the borough and the said limits shall for the purposes of this part of this Act be deemed to be the precincts of the University of Cambridge.

Limits of  
Part II. of  
this Act.

5. So much of the charter as is recited and set forth in the preamble to this Act and so much of the Act of the thirteenth year of the reign of Queen Elizabeth chapter twenty-nine intituled "An Acte for Thincorporatōn of bothe Thunyversities" and so much of any other Act as confirms or preserves that portion of the recited charter is hereby repealed without prejudice to anything already done and suffered.

Partial  
repeal of  
charter.

6. The recited section 3 of the said Act 6 Geo. IV. cap. 97 shall extend and apply to the University of Cambridge and subject to the provisions of this Act shall have effect within the precincts of the said University as if the words "either of the said Universities of Oxford and Cambridge" were inserted therein in lieu of the words "the said University of Oxford."

S. 3 of  
6 Geo. IV.  
to apply to  
University  
of Cam-  
bridge.

7. For the maintenance of discipline among the members of the University of Cambridge the proctors and pro-proctors of the University shall by virtue of their respective offices have the powers vested in constables duly appointed and sworn under or by virtue of section 1 of the said Act 6 Geo. IV. cap. 97 and shall for the same purpose have power with or without any constables appointed under the same Act to enter any premises licensed for the sale of intoxicating liquors or any premises kept or used for public entertainment of any kind during the performance of such entertainment or so long as any of the public are assembled there.

Proctors to  
have  
powers of  
constables.

8. Section 10 of the Theatres Act 1843 is hereby repealed

Partial  
repeal of



A. D. 1894. so far as it relates to the University or town of Cambridge  
6 & 7 Vict. or the neighbourhood thereof.

Power to  
revoke  
theatrical  
licences. 9. The county council for the county of Cambridge may  
at any time revoke any licence for the public performance  
of stage plays within the borough on the complaint in  
writing of the Vice-Chancellor or the mayor sent to the  
clerk of the said council who shall forthwith upon the receipt  
of such complaint summon a special meeting of the county  
council to consider the same and give written notice of the  
complaint to the person complained of in order that he  
may make his answer or defence at such special meeting.

Power to  
revoke  
licences for  
other  
public  
entertain-  
ments. 10. The licensing justices for the borough may at any  
time revoke any licence within the borough granted in pur-  
sueance of Part IV. of the Public Health Acts Amendment  
Act 1890 on the complaint in writing of the Vice-Chancellor  
or the mayor sent to the clerk to the justices who shall  
forthwith upon the receipt of such complaint summon a  
special session of the licensing justices to consider the same  
and give written notice of the complaint to the person  
complained of in order that he may make his answer or  
defence at such special session.

Amend-  
ment of  
section 16  
of Award  
Act. 11. Section 16 of the Cambridge Award Act 1856 shall  
henceforth be read and have effect as if the words "(except  
during the period of Midsummer Fair or in the Long  
Vacation)" and the words "Vice-Chancellor and the" were  
expunged and omitted therefrom.

Saving for  
rights and  
privileges  
of Univer-  
sity. 12. Nothing in this part of this Act contained shall affect  
any right power or privilege of the University or of any  
court or officer of the University except so far as the same  
is hereby expressly abolished or modified.

Costs of  
Act. 30. All the costs charges and expenses preliminary to  
and of and incidental to the preparing applying for obtaining  
and passing of this Act as taxed by the taxing officer of  
the House of Lords or of the House of Commons shall be  
paid as to one-third thereof by the Chancellor masters and  
scholars of the University of Cambridge and as to the  
remaining two-thirds by the Corporation out of the borough

fund or rate or out of moneys to be borrowed for that A. D. 1894.  
purpose and which they are hereby authorised to borrow  
subject and according to the provisions of the Public Health  
Act 1875 provided that the period for the repayment of  
such moneys shall not exceed five years from the borrowing  
of the same.

58 & 59 VICT. CHAPTER lxxiv.

An Act to enable the Master Professors Fellows A. D. 1895.  
and Scholars of Downing College in the Univer-  
sity of Cambridge to sell and to lease on long  
leases and otherwise improve part of their Estate  
situate in the Parishes of St. Botolph St. Andrew-  
the-Great St. Benedict and St. Mary-the-Less in  
the Town of Cambridge and for other purposes.

[27th June 1895.]

[This Act, 'The Downing College Act, 1895,' recites  
that the College holds in fee a freehold estate in the  
town of Cambridge of thirty-two acres and upwards,  
bounded on the North by Downing Street, on the South  
by Lensfield Road, on the East in part by Downing  
Place in part by Regent Street and in part by shops  
and dwelling-houses with the appurtenances abutting  
on Regent Street, and on the West by Tennis Court  
Road; that by 41 Geo. 3. c. 140 (*supra*) and 41 Geo. 3.  
c. 145 (*supra*) the estate, except certain houses since  
purchased between Regent Street and the rest of the  
estate, is vested in the College as the College site; and  
that certain parts of the estate are not required for the  
site and are eligible as building land.

Section 3 empowers the College to exercise as regards  
the surplus land the powers conferred by the Univer-  
sities and College Estates Acts 1858 to 1880<sup>1</sup> or

<sup>1</sup> 21 & 22 Vict. c. 44 (*supra*), 23 & 24 Vict. c. 59 (*supra*), and 43 & 44  
Vict. c. 46 (*supra*).

- A. D. 1895. any future Act amending the same and the further powers given by this Act; and directs that s. 26 of the Universities and College Estates Act 1858<sup>1</sup> shall not apply to the surplus land.

Additional powers are given, to be exercised with the consent of the Board of Agriculture, *inter alia* (1) by section 4 to sell in consideration of a rent reserved; (2) by section 5 to lease for not exceeding 999 years, but notwithstanding 18 Eliz. c. 6 (*supra*) no part of the rent being required to be reserved in corn; (3) by section 7 to give to lessees an option to purchase within a specified period at a fixed price.]

The SCHEDULE referred to in the foregoing Act.

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(Being a particular description of the LAND AUTHORISED by the ACT to be DEALT WITH for BUILDING PURPOSES and referred to as "the SURPLUS LAND.")

First.

All that piece of land part of the College Estate abutting north on Downing Street from the corner of Tennis Court Road to the corner of Downing Place 397 feet Abutting south on an imaginary line (parallel with and 110 feet to the north of the existing railing of the College Quadrangle) drawn from a point in Tennis Court Road 83 feet south of the south side of Fitz William Street to a point in the rear of the garden of Downing House Regent Street 783 feet Abutting east on Downing Place 458 feet thence turning east along the south side of Downing Place and the police station 104 feet thence turning south or south-east along the rear of houses and premises in Regent Street to the said point in the rear of the garden of Downing House 300 feet And abutting west on Tennis Court Road (from its junction with Downing Street to the first-mentioned point 83 feet south of the south side of Fitz William Street) 858 feet.

Together with the messuage and premises Number 4 in Regent Street abutting west on the last described premises and east on Regent Street.

Second.

All that piece of land other part of the said College Estate abutting north on an imaginary line (parallel with and drawn 120 feet to the south of the existing railings of

<sup>1</sup> 21 & 22 Vict. c. 44 (*supra*).

the College Quadrangle) from a point in Tennis Court Road A. D. 1895. opposite Kellet Lodge to a point in the rear of No. 24 Regent Street 800 feet Abutting south on Lensfield Road from its junction with Tennis Court Road to the boundary in Lensfield Road of houses and premises in Regent Street 700 feet Abutting east on gardens in the rear of houses in Regent Street from the before-mentioned point in the rear of No. 24 Regent Street in a curved line to the before-mentioned boundary in Lensfield Road of houses and premises in Regent Street 560 feet Abutting west on Tennis Court Road from its junction with Lensfield Road to the said point opposite Kellet Lodge 422 feet.

All that piece of land other part of the said College Third. Estate abutting north on the eastern end of the imaginary line bounding on the south the first-described premises from the said point in the rear of Downing House 208 feet Abutting south on the eastern end of the imaginary line bounding on the north the second-described premises from the said point in the rear of No. 24 Regent Street 208 feet Abutting east from the said point in the rear of Downing House in an irregular line (crossing the College entrance) along the rear of houses and premises in Regent Street to the aforesaid point in the rear of No. 24 Regent Street 610 feet Abutting west on the wall of the gardens of the Master and of the Professor of Medicine 300 feet and from the north-east corner of the said wall in an imaginary line drawn north-west to its junction with the line bounding on the south the premises first described 190 feet and from the south-east corner of the said wall along an imaginary line drawn south-west to its junction with the line bounding on the north the premises secondly described 220 feet.

Together with the messuages hereditaments and premises abutting west on the last described piece of land and east on Regent Street from the south-east corner of No. 9 Regent Street to the north-east corner of No. 19 Regent Street 352 feet (except a small portion thereof which is of leasehold tenure) and together also with the messuage and premises No. 21 Regent Street also abutting west on the same piece of land and east on Regent Street 48 feet.

All that piece of land other part of the said College Fourth. Estate abutting north on the western end of the imaginary line bounding on the south the first described premises from the said point 83 feet south of the south side of Fitz William Street 220 feet Abutting south on the western end of the imaginary line bounding on the north the second • • •

A. D. 1895. described premises from the said point opposite Kellet Lodge 292 feet Abutting east on an imaginary line parallel with the buildings forming the west of the College Quadrangle drawn in a southerly direction from a point in the north wall of the garden of the Professor of Laws 100 feet east of Tennis Court Road to a point 75 feet west of the south-west corner of the Combination Room 312 feet and continued north-east from the said point in the north wall of the garden of the Professor of Laws to the line bounding on the south the first described premises 182 feet and continued south-east from the said point 75 feet west of the south-west corner of the Combination Room to the imaginary line bounding on the north the premises second described 210 feet And abutting west on Tennis Court Road from the said point 83 feet south of the south side of Fitz William Street to the said point opposite Kellet Lodge 570 feet.

61 & 62 VICT. CHAPTER 17.

A. D. 1898. An Act to amend and consolidate the Laws relating to Solicitors and to the service of Indentured Apprentices in Ireland. [25th July 1898.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

- |                                |  |
|--------------------------------|--|
| Short title.                   | 1. This Act may be cited as the Solicitors (Ireland) Act, 1898.  |
| Extent of Act.                 | 2. This Act shall extend to Ireland only.  |
| Com-<br>mencement<br>of Act. • | 3. This Act shall, so far as regards the power of the Lord Chancellor and certain of the judges of the High Court and of the Incorporated Law Society to make regulations hereunder, and so far as regards the issue of notices and other proceedings preliminary to holding the first examinations hereunder, come into operation on the • passing hereof, and for all other purposes shall come into |

operation on the first day of January one thousand eight hundred and ninety-nine. A. D. 18

. . . . .

*Lectures and Examinations.*

8. The Incorporated Law Society<sup>1</sup> are hereby authorised and required to hold, at least three times in the year, commencing with the first day of January one thousand eight hundred and ninety nine, and in every succeeding year, a preliminary examination, an intermediate examination, and a final examination; and the Society shall, subject to the provisions of this Act, have the entire management and control of all such examinations, and shall have power to make regulations with respect to all or any of the following matters; (that is to say,)

Examina-  
tions to be  
held under  
manage-  
ment of  
Society.

. . . . .

(F.) With respect to the exemption from the whole or from any part of the intermediate examination of persons who have obtained the degree of bachelor of civil law or bachelor of laws, or a certificate of having passed the examination required for such degree at any university in the United Kingdom;

. . . . .

Copies of all regulations made under the authority of this section shall be transmitted to the Lord Chancellor, the President of the Queen's Bench Division, the Lord Chief Baron, and to the Master of the Rolls, and if within twenty-eight days after a copy of any regulation has been so transmitted, any three of those judges, or any two of them in the event of the office of Lord Chief Baron ceasing to exist (the Lord Chancellor in each case being one), signify by writing under their hands, addressed to the president or secretary of the Society, their dissent from such regulation or any part thereof, the same shall be of no force or effect; and if after any such regulation or any part thereof

<sup>1</sup> i. e. the Incorporated Law Society of Ireland, see s. 4.

A. D. 1898. has come into force, any three of those judges, or any two of them in the event aforesaid (the Lord Chancellor in each case being one), signify in manner aforesaid their dissent from such regulation or any part thereof, the same shall, at the expiration of two months, cease to be of any force or effect.

*Apprenticeship and Admission.*

Admission  
of gradu-  
ates of cer-  
tain univer-  
sities after  
three years  
service.

12. Every person having taken the degree of bachelor of arts or bachelor of laws in any of the universities of Dublin, Oxford, Cambridge, Durham, London, or in Victoria University, or in the Royal University of Ireland, or the degree of bachelor of arts, master of arts, bachelor of laws, or doctor of laws in any of the universities of Scotland (none of such degrees being honorary degrees), and who at any time after having taken such degree, and either before or after the commencement of this Act, has been bound by indentures of apprenticeship to a practising solicitor, shall only be required to be bound and serve thereunder for the term of three years.

General  
exemptions  
from pre-  
liminary  
examina-  
tion.

17. A certificate of having passed a preliminary examination under this Act shall not be required from any person coming within the twelfth or thirteenth<sup>1</sup> sections of this Act, or who has passed the first public examination before moderators at Oxford, or the previous examination at Cambridge, or the examination in arts for the second year at Durham, or who has passed one of the local examinations established by the University of Oxford, or one of the non-gremial examinations established by the University of Cambridge, or one of the examinations of the Oxford and Cambridge Schools Examination Board, or one of the open public matriculation examinations of the Universities of Dublin, London, or the preliminary examination of Victoria University, or the Royal University of Ireland, or in any of the Queen's Colleges in Ireland, or the examina-

<sup>1</sup> Section 13 dispenses a member of the Irish bar, who has procured himself to be disbarred, from apprenticeship for more than three years.

tion for the first-class certificate of the College of Preceptors A.D. 1898,<sup>1</sup> incorporated by Royal Charter in 1849. The above exemption may be extended by regulations made under this Act to any persons who pass any examinations held in any of the above-mentioned universities, or in any other university, college, or educational institution, specified in such regulations.

*Temporary Provision and Repeal.*

63. The Attorneys and Solicitors Act (Ireland), 1866, is hereby repealed as from the first day of January one thousand eight hundred and ninety-nine. Any Act or document referring to the Attorneys and Solicitors Act (Ireland), 1866, or to any provision therein, shall be construed as referring to this Act or to the corresponding provision in this Act. <sup>29 & 30</sup> <sup>U. L. C. 84.</sup> <sup>Repeal.</sup>

61 & 62 VICT. CHAPTER 48.

An Act to amend the Law relating to the Patronage of Benefices, and to their avoidance on Sequestration, and to amend the Pluralities Acts, 1838 and 1885. [12th August 1898.]

1. So much of the statutes 3 and 4 James I., cap. 5,<sup>2</sup> sect. 13, and i. William and Mary, cap. 26,<sup>3</sup> sect. 2, is hereby repealed as prevents the Chancellor and Scholars of the Universities of Oxford and Cambridge from presenting or nominating to the benefices and livings there mentioned persons already holding any benefice with cure of souls, provided that nothing be done in contravention of the other Acts regulating the holding of benefices in plurality. And further the said Universities shall be permitted to elect to such bene- <sup>Presentation by Universities of Oxford and Cambridge.</sup>

<sup>1</sup> *Supra.*

<sup>2</sup> 3 Jac. I. c. 5 (*supra*).

<sup>3</sup> 1 W. & M. [W. & M. Sess. I., Ruff.] c. 26 (*supra*).



A. D. 1898. fices, and to any other benefices or livings that are or may hereafter be in their patronage, and to exercise any other rights that they may possess in respect to them in any way that they may hereafter, by statute or ordinance of the University made in the ordinary manner, from time to time determine to be expedient.

Short title. 15. This Act may be cited as the Benefices Act, 1898.

### 61 & 62 VICT. CHAPTER 55.

#### An Act to amend the Universities and College Estates Acts, 1858 to 1880.

[12th August 1898.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension  
of powers  
of sale, &c.  
exercisable  
by  
universities  
and  
colleges.

1. For the purposes of sale, enfranchisement, exchange, partition, and leasing, a university or college may exercise any of the powers conferred on a tenant for life by the Settled Land Acts, 1882 to 1890, and for those purposes the provisions of those Acts mentioned in Part I. of the First Schedule to this Act shall apply accordingly, subject to the modifications mentioned in Part II. of that Schedule.

Provided that—

(a) the powers of sale, enfranchisement, exchange, and partition, and the power of granting building leases with option of purchase, shall not be exercised without the consent of the Board of Agriculture; and

(b) capital money payable on any such sale, enfranchisement, exchange, or partition, or on the exercise of any such option, shall be paid to the Board of Agriculture.

Applica-  
tion of  
capital  
money.

2.—(1.) Capital money paid, whether before or after the commencement of this Act, to the Board of Agriculture under the Universities and College Estates Acts, 1858 to

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1880,<sup>1</sup> or this Act, or arising under section twenty-one of the Universities and College Estates Act, 1858, and the proceeds of sale of securities representing any such money, may, with the consent of the Board of Agriculture, be applied by a university or college to any of the following purposes:—

- (i) the investment in the name of the Board on any securities in which trustees are by law authorised to invest trust money; and
- (ii) the purposes mentioned in the Second Schedule to this Act; and
- (iii) the purchase of the interest of a lessee under a lease from the university or college.

(2.) The income of any such securities shall be paid or applied as the income of the land represented by the securities would have been payable or applicable.

(3.) Land purchased under this section shall be conveyed to the university or college to be held to uses or upon trusts corresponding to the purposes for which the capital money or proceeds of sale of securities applied in the purchase were held, except that copyhold land may be conveyed to trustees.

(4.) Where the purpose to which money may be applied under this section is of such a nature that, in the opinion of the Board of Agriculture, provision ought to be made for replacing the money within a limited time, the Board shall, in giving their consent to the application, require provision to be so made.

3.—(1.) The purposes for which money may be borrowed by a university or college under section twenty-seven of the Universities and College Estates Act, 1858, shall include the improvements mentioned in the Third Schedule to this Act, being improvements to which capital money arising under the Settled Land Acts, 1882 to 1890, may be applied.

Powers of borrowing for improvements.

(2.) The period for repayment of money borrowed after

<sup>1</sup> 21 & 22 Vict. c. 44 (*supra*), 23 & 24 Vict. c. 59 (*supra*), and 43 & 44 Vict. c. 46 (*supra*).

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Act, 1898.

A. D. 18 the commencement of this Act for an improvement under the Universities and College Estates Acts, 1858 to 1880, or this Act, shall be such period not exceeding fifty years as the Board of Agriculture, having regard in each case to the character and probable duration of the improvement, determine.

Power to extend period for repayment of fine loans. 4. Where under the Universities and College Estates Acts, 1858 to 1880, money has, before the commencement of this Act, been borrowed or applied by a university or college for the purpose of an indemnity for the loss of a fine in respect of land held under a beneficial lease, and it is proved to the satisfaction of the Board of Agriculture that the annual amount required for the repayment of the money exceeds one-half of the net annual value of the land after deduction therefrom of the rent reserved by the beneficial lease, the Board may (with the consent of the lender in the case of money borrowed) extend, within the limits authorised by this Act for improvement loans, the term for repayment or replacement of the money, and make such other modifications in the provisions for repayment or replacement as may be considered expedient. Provided that the aggregate amount required to be repaid or replaced by a university or college in any one year in respect of money so borrowed or applied shall be not less than the average annual amount so repaid or replaced during the five years ending the thirty-first day of December one thousand eight hundred and ninety-eight.

Power to dispense with surveyor's report. 5. The Board of Agriculture may, if they think fit, in giving their consent to a sale, exchange, purchase, or redemption of any land tax, tithe rentcharge, Crown rent, chief rent, or quit rent, by a university or college, dispense with a report from the surveyor of the university or college.

Provision as to money payable into court or to trustees. 6.—(1.) Where the purchase, consideration, or compensation money payable in respect of any land belonging to a university or college is directed by any Act of Parliament to be paid into court, or either into court or to trustees, the money shall, at the option of the university or college, be

paid either as directed by the Act or to the Board of Agriculture. A. D. 1898.

(2.) Where any such money has been paid either before or after the commencement of this Act either into court or to trustees on behalf of a university or college, that sum, or the securities representing it, may, if in court on the application of, and if held by trustees by the direction of, the university or college, be paid or transferred to the Board of Agriculture.

(3.) Money paid and securities transferred to the Board of Agriculture under this section on behalf of a university or college shall be treated as capital money paid to the Board under this Act and as securities representing money so paid.

7. This Act shall apply only to the universities and colleges to which the Universities and College Estates Acts, 1858 to 1880, apply, and references in those Acts to any specific provisions thereof shall be construed as references to those provisions as amended by this Act or to the corresponding provisions of this Act as the case may require. Application and interpretation.

8.—(1.) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule. Repeal, commencement, and short title.

(2.) This Act shall come into operation on the expiration of two months after the passing thereof.

(3.) This Act may be cited as the Universities and College Estates Act, 1898, and may be cited with the Universities and College Estates Acts, 1858 to 1880. 21 & 22 Vict. c. 44.  
23 & 24 Vict. c. 59.  
43 & 44 Vict. c. 46.

A. D. 1898.

SCHEDULES. •

FIRST SCHEDULE.

PART I.

*Enactments relating to Sale, Enfranchisement, Exchange,  
Partition, and Leasing.*<sup>1</sup>

The Settled Land Act, 1882 (45 & 46 Vict. c. 38.).

Sections three, four, six, seven, eight, nine, ten, twelve, thirteen, fourteen,  
sixteen, seventeen, thirty-one, thirty-four, fifty-five.

The Settled Land Act, 1884 (47 & 48 Vict. c. 18.).

Section four.

The Settled Land Act, 1889 (52 & 53 Vict. c. 36.).

Sections two and three.

The Settled Land Act, 1890 (53 & 54 Vict. c. 69.).

Sections five, eight, and nine.

<sup>1</sup> The enactments referred to are as follows:—

SETTLED LAND ACT, 1882 (45 & 46 Vict. c. 38.).

III.—SALE ; ENFRANCHISEMENT ; EXCHANGE ; PARTITION.

*General Powers and Regulations.*

SALE;  
ENFRAN-  
CHISE-  
MENT; EX-  
CHANGE;  
PARTI-  
TION.

*General  
Powers and  
Regula-  
tions.  
Powers to  
tenant for  
life to sell,  
&c.*

3. A tenant for life—

- (i.) May sell the settled land, or any part thereof, or any easement, right, or privilege of any kind, over or in relation to the same; and
- (ii.) Where the settlement comprises a manor,—may sell the seignory of any freehold land within the manor, or the freehold and inheritance of any copyhold or customary land, parcel of the manor, with or without any exception or reservation of all or any mines or minerals, or of any rights or powers relative to mining purposes, so as in every such case to effect an enfranchisement; and
- (iii.) May make an exchange of the settled land, or any part thereof, for other land, including an exchange in consideration of money paid for equality of exchange; and
- (iv.) Where the settlement comprises an undivided share in land, or, under the settlement, the settled land has come to be held in undivided shares,—may concur in making partition of the entirety,

PART II.

A. D. 1898.

*Adaptation of Enactments applied.*

For the purpose of adapting the foregoing enactments to the case of universities and colleges, the following modifications shall be made therein:—

including a partition in consideration of money paid for equality of partition.

- 4.—(1.) Every sale shall be made at the best price that can reasonably be obtained. Regulations respecting sale, enfranchisement, exchange, and partition.
- (2.) Every exchange and every partition shall be made for the best consideration in land or in land and money that can reasonably be obtained.
- (3.) A sale may be made in one lot or in several lots, and either by auction or by private contract.
- (4.) On a sale the tenant for life may fix reserve biddings and buy in at an auction.
- (5.) A sale, exchange, or partition may be made subject to any stipulations respecting title, or evidence of title, or other things.
- (6.) On a sale, exchange, or partition, any restriction or reservation with respect to building on or other user of land, or with respect to mines and minerals, or with respect to or for the purpose of the more beneficial working thereof, or with respect to any other thing, may be imposed or reserved and made binding, as far as the law permits, by covenant, condition, or otherwise, on the tenant for life and the settled land, or any part thereof, or on the other party and any land sold or given in exchange or on partition to him.
- (7.) An enfranchisement may be made with or without a re-grant of any right of common or other right, easement, or privilege theretofore appendant or appurtenant to or held or enjoyed with the land enfranchised, or reputed so to be.
- (8.) Settled land in England shall not be given in exchange for land out of England.

IV.—LEASES.

LEASES.

*General Powers and Regulations.*

*General Powers and Regulations.*

6. A tenant for life may lease the settled land, or any part thereof, or any easement, right, or privilege of any kind, over or in relation to the same, for any purpose whatever, whether involving waste or not, for any term not exceeding—
  - (i.) In case of a building lease, ninety-nine years :
  - (ii.) In case of a mining lease, sixty years :
  - (iii.) In case of any other lease, twenty-one years.
- 7.—(1.) Every lease shall be by deed, and be made to take effect in possession not later than twelve months after its date.
- (2.) Every lease shall reserve the best rent that can reasonably be obtained, regard being had to any fine taken, and to any money laid out or to be laid

Power for tenant for life to lease for ordinary or building or mining purposes. Regulations respecting

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- (1.) References to a university or college and land belonging to a university or college shall be substituted for references to a tenant for life and settled land;

leases generally. out for the benefit of the settled land, and generally to the circumstances of the case.

(3.) Every lease shall contain a covenant by the lessee for payment of the rent, and a condition of re-entry on the rent not being paid within a time therein specified not exceeding thirty days.

(4.) A counterpart of every lease shall be executed by the lessee and delivered to the tenant for life; of which execution and delivery the execution of the lease by the tenant for life shall be sufficient evidence.

(5.) A statement, contained in a lease or in an indorsement thereon, signed by the tenant for life, respecting any matter of fact or of calculation under this Act in relation to the lease, shall, in favour of the lessee and of those claiming under him, be sufficient evidence of the matter stated.

*Building and Mining Leases.*

Regulations respecting building leases.

8.—(1.) Every building lease shall be made partly in consideration of the lessee, or some person by whose direction the lease is granted, or some other person, having erected, or agreeing to erect, buildings, new or additional, or having improved or repaired, or agreeing to improve or repair, buildings, or having executed, or agreeing to execute, on the land leased, an improvement authorized by this Act, for or in connexion with building purposes.

(2.) A peppercorn rent or a nominal or other rent less than the rent ultimately payable, may be made payable for the first five years or any less part of the term.

(3.) Where the land is contracted to be leased in lots, the entire amount of rent to be ultimately payable may be apportioned among the lots in any manner; save that—

(i.) The annual rent reserved by any lease shall not be less than ten shillings; and

(ii.) The total amount of the rents reserved on all leases for the time being granted shall not be less than the total amount of the rents which, in order that the leases may be in conformity with this Act, ought to be reserved in respect of the whole land for the time being leased; and

(iii.) The rent reserved by any lease shall not exceed one fifth part of the full annual value of the land comprised in that lease with the buildings thereon when completed.

9.—(1.) In a mining lease—

(i.) The rent may be made to be ascertainable by or to vary according to the acreage worked, or by or according to the quantities of any mineral or substance gotten, made merchantable, converted, carried away, or disposed of, in or from the settled land, or any other land, or by or according to any facilities given in that behalf; and

(ii.) A fixed or minimum rent may be made payable, with or without power for the lessee, in case the rent, according to acreage or quantity, in any specified period does not produce an amount equal

Regulations respecting mining leases.

- (2.) References to land or an estate or interest in land or other property, belonging to a university or college, shall be substituted for references to land or an estate

to the fixed or minimum rent, to make up the deficiency in any subsequent specified period, free of rent other than the fixed or minimum rent.

(2.) A lease may be made partly in consideration of the lessee having executed, or his agreeing to execute, on the land leased, an improvement authorized by this Act, for or in connexion with mining purposes.

10.—(1.) Where it is shown to the Court with respect to the district in which any settled land is situate, either—

- (i.) That it is the custom for land therein to be leased or granted for building or mining purposes for a longer term or on other conditions than the term or conditions specified in that behalf in this Act, or in perpetuity; or

- (ii.) That it is difficult to make leases or grants for building or mining purposes of land therein, except for a longer term or on other conditions than the term and conditions specified in that behalf in this Act, or except in perpetuity;

the Court may, if it thinks fit, authorize generally the tenant for life to make from time to time leases or grants of or affecting the settled land in that district, or parts thereof, for any term or in perpetuity, at fee-farm or other rents, secured by condition of re-entry, or otherwise, as in the order of the Court expressed, or may, if it thinks fit, authorize the tenant for life to make any such lease or grant in any particular case.

(2.) Thereupon the tenant for life, and, subject to any direction in the order of the Court to the contrary, each of his successors in title being a tenant for life, or having the powers of a tenant for life under this Act, may make in any case, or in the particular case, a lease or grant of or affecting the settled land, or part thereof, in conformity with the order.

#### *Special Powers.*

12. The leasing power of a tenant for life extends to the making of—

- (i.) A lease for giving effect to a contract entered into by any of his predecessors in title for making a lease, which, if made by the predecessor, would have been binding on the successors in title; and
- (ii.) A lease for giving effect to a covenant of renewal, performance whereof could be enforced against the owner for the time being of the settled land; and
- (iii.) A lease for confirming, as far as may be, a previous lease, being void or voidable; but so that every lease, as and when confirmed, shall be such a lease as might at the date of the original lease have been lawfully granted, under this Act, or otherwise, as the case may require.

#### *Surrenders.*

13.—(1.) A tenant for life may accept, with or without consideration, a surrender of any lease of settled land, whether made under this Act or not, in and new



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A. D. 18      or interest in land or other property, the subject of or  
comprised in the settlement ;

grant of      respect of the whole land leased, or any part thereof, with or without an  
leases.      exception of all or any of the mines and minerals therein, or in respect of  
mines and minerals, or any of them.

(2.) On a surrender of a lease in respect of part only of the land or mines  
and minerals leased, the rent may be apportioned.

(3.) On a surrender, the tenant for life may make of the land or mines and  
minerals surrendered, or of any part thereof, a new or other lease, or new or  
other leases in lots.

(4.) A new or other lease may comprise additional land or mines and  
minerals, and may reserve any apportioned or other rent.

(5.) On a surrender, and the making of a new or other lease, whether  
for the same or for any extended or other term, and whether or not subject  
to the same or to any other covenants, provisions, or conditions, the value  
of the lessee's interest in the lease surrendered may be taken into account  
in the determination of the amount of the rent to be reserved, and of any fine  
to be taken, and of the nature of the covenants, provisions, and conditions to be  
inserted in the new or other lease.

(6.) Every new or other lease shall be in conformity with this Act.

*Copyholds.*

Power to  
grant to  
copy-  
holders  
licences for  
leasing.

*Copyholds.*

14.—(1.) A tenant for life may grant to a tenant of copyhold or customary  
land, parcel of a manor comprised in the settlement, a licence to make any  
such lease of that land, or of a specified part thereof, as the tenant for life is by  
this Act empowered to make of freehold land.

(2.) The licence may fix the annual value whereon fines, fees, or other  
customary payments are to be assessed, or the amount of those fines, fees,  
or payments.

(3.) The licence shall be entered on the court rolls of the manor, of which  
entry a certificate in writing of the steward shall be sufficient evidence.

SALES,  
LEASES,  
AND  
OTHER  
DISPO-  
SITIONS.

V.—SALES, LEASES, AND OTHER DISPOSITIONS.

*Streets and Open Spaces.*

*Streets and  
open spaces.*

Dedication  
for streets,  
open  
spaces, &c.

16. On or in connexion with a sale or grant for building purposes, or a  
building lease, the tenant for life, for the general benefit of the residents on the  
settled land, or on any part thereof,—

(i.) May cause or require any parts of the settled land to be appropriated  
and laid out for streets, roads, paths, squares, gardens, or other  
open spaces, for the use, gratuitously or on payment, of the public  
or of individuals, with sewers, drains, watercourses, fencing, paving,  
or other works necessary or proper in connexion therewith ; and

(ii.) May provide that the parts so appropriated shall be conveyed to or  
vested in the trustees of the settlement, or other trustees, or any  
company or public body, on trusts or subject to provisions for  
securing the continued appropriation thereof to the purposes afore-

- (3.) References to capital money payable<sup>o</sup> to the Board of Agriculture shall be substituted for references to capital money arising under the Settled Land Acts, 1882 to 1890;

said, and the continued repair or maintenance of streets and other places and works aforesaid, with or without provision for appointment of new trustees when required; and

- (iii.) May execute any general or other deed necessary or proper for giving effect to the provisions of this section (which deed may be enrolled in the Central Office of the Supreme Court of Judicature), and thereby declare the mode, terms, and conditions of the appropriation, and the manner in which and the persons by whom the benefit thereof is to be enjoyed, and the nature and extent of the privileges and conveniences granted.

*Surface and Minerals apart.*

17.—(1.) A sale, exchange, partition, or mining lease, may be made either of land, with or without an exception or reservation of all or any of the mines and minerals therein, or of any mines and minerals, and in any such case with or without a grant or reservation of powers of working, wayleaves or rights of way, rights of water and drainage, and other powers, easements, rights, and privileges for or incident to or connected with mining purposes, in relation to the settled land, or any part thereof, or any other land.

(2.) An exchange or partition may be made subject to and in consideration of the reservation of an undivided share in mines or minerals.

*Surface and Minerals apart.*  
 Separate dealing with surface and minerals, with or without wayleaves, &c.

VIII.—CONTRACTS.

31.—(1.) A tenant for life—

- (i.) May contract to make any sale, exchange, partition, mortgage, or charge; and
- (ii.) May vary or rescind, with or without consideration, the contract, in the like cases and manner in which, if he were absolute owner of the settled land, he might lawfully vary or rescind the same, but so that the contract as varied be in conformity with this Act; and any such consideration, if paid in money, shall be capital money arising under this Act; and
- (iii.) May contract to make any lease; and in making the lease may vary the terms, with or without consideration, but so that the lease be in conformity with this Act; and
- (iv.) May accept a surrender of a contract for a lease, in like manner and on the like terms in and on which he might accept a surrender of a lease; and thereupon may make a new or other contract, or new or other contracts, for or relative to a lease or leases, in like manner and on the like terms in and on which he might make a new or other lease, or new or other leases, where a lease had been granted; and

- (v.) May enter into a contract for or relating to the execution of any im-

CON-TRACTS.

Power for tenant for life to enter into contracts.

A. D. 1898. (4.) The Board of Agriculture shall be substituted for the trustees of the settlement and for the court, but this substitution shall not authorise the vesting of land in the Board.

provement authorized by this Act, and may vary or rescind the same; and

(vi.) May, in any other case, enter into a contract to do any act for carrying into effect any of the purposes of this Act, and may vary or rescind the same.

(2.) Every contract shall be binding on and shall enure for the benefit of the settled land, and shall be enforceable against and by every successor in title for the time being of the tenant for life, and may be carried into effect by any such successor; but so that it may be varied or rescinded by any such successor, in the like case and manner, if any, as if it had been made by himself.

(3.) The Court may, on the application of the tenant for life, or of any such successor, or of any person interested in any contract, give directions respecting the enforcing, carrying into effect, varying, or rescinding thereof.

(4.) Any preliminary contract under this Act for or relating to a lease shall not form part of the title or evidence of the title of any person to the lease, or to the benefit thereof.

MISCELLANEOUS PROVISIONS.

IX.—MISCELLANEOUS PROVISIONS.

Application of money paid for lease or reversion.

34. Where capital money arising under this Act is purchase-money paid in respect of a lease for years, or life, or years determinable on life, or in respect of any other estate or interest in land less than the fee simple, or in respect of a reversion dependent on any such lease, estate, or interest, the trustees of the settlement or the Court, as the case may be, and in the case of the Court on the application of any party interested in that money, may, notwithstanding anything in this Act, require and cause the same to be laid out, invested, accumulated, and paid in such manner as, in the judgment of the trustees or of the Court, as the case may be, will give to the parties interested in that money the like benefit therefrom as they might lawfully have had from the lease, estate, interest, or reversion in respect whereof the money was paid, or as near thereto as may be.

RESTRICTIONS, SAVINGS, AND GENERAL PROVISIONS.

XII.—RESTRICTIONS, SAVINGS, AND GENERAL PROVISIONS.

Exercise of powers; limitation of provisions, &c.

55.—(1.) Powers and authorities conferred by this Act on a tenant for life or trustees or the Court or the Land Commissioners are exercisable from time to time.

(2.) Where a power of sale, enfranchisement, exchange, partition, leasing, mortgaging, charging, or other power is exercised by a tenant for life, or by the trustees of a settlement, he and they may respectively execute, make, and do all deeds, instruments, and things necessary or proper in that behalf.

(3.) Where any provision in this Act refers to sale, purchase, exchange, partition, leasing, or other dealing, or to any power, consent, payment, receipt, freed, assurance, contract, expenses, act, or transaction, the same shall be

Subject as aforesaid, expressions in the enactments so applied shall be construed as in the Acts containing the enactments. A. D. 1898.

construed to extend only (unless it is otherwise expressed) to sales, purchases, exchanges, partitions, leasings, dealings, powers, consents, payments, receipts, deeds, assurances, contracts, expenses, acts, and transactions under this Act.

SETTLED LAND ACT, 1884 (47 & 48 Vict. c. 18).

4. A fine received on the grant of a lease under any power conferred by the Act of 1882 is to be deemed capital money arising under that Act. Fine on a lease to be capital money.

SETTLED LAND ACT, 1889 (52 & 53 Vict. c. 36).

2. Any building lease, and any agreement for granting building leases, under the Settled Land Act, 1882, may contain an option, to be exercised at any time within an agreed number of years not exceeding ten, for the lessee to purchase the land leased at a price fixed at the time of the making of the lease or agreement for the lease, such price to be the best which having regard to the rent reserved can reasonably be obtained, and to be either a fixed sum of money or such a sum of money as shall be equal to a stated number of years purchase of the highest rent reserved by the lease or agreement. Option of purchase in building lease. 45 & 46 Vict. c. 38.

3. Such price when received shall for all purposes be capital money arising under the Settled Land Act, 1882. Price to be capital money.

SETTLED LAND ACT, 1890 (53 & 54 Vict. c. 69).

5. On an exchange or partition any easement, right, or privilege of any kind may be reserved or may be granted over or in relation to the settled land or any part thereof, or other land or an easement, right, or privilege of any kind may be given or taken in exchange or on partition for land or any other easement, right, or privilege of any kind. Creation of easements on exchange or partition.

8. In a mining lease—

(i.) The rent may be made to vary according to the price of the minerals or substances gotten, or any of them : Provision as to mining leases.

(ii.) Such price may be the saleable value, or the price or value appearing in any trade or market or other price list or return from time to time, or may be the marketable value as ascertained in any manner prescribed by the lease (including a reference to arbitration), or may be an average of any such prices or values taken during a specified period.

9. Where, on a grant for building purposes by a tenant for life, the land is expressed to be conveyed in fee simple with or subject to a reservation thereof of a perpetual rent or rentcharge, the reservation shall operate to create a rentcharge in fee simple issuing out of the land conveyed, and having incidental thereto all powers and remedies for recovery thereof conferred by section forty-four of the Conveyancing and Law of Property Act, 1881, and the rentcharge so created shall go and remain to the uses on the trusts and subject to the powers and provisions which, immediately before the conveyance, were subsisting with respect to the land out of which it is reserved. Power to reserve a rentcharge on a grant in fee simple. 44 & 45 Vict. c. 41.

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SECOND SCHEDULE.

PURPOSES TO WHICH CAPITAL MONEY MAY BE APPLIED.

See 45 & 46  
Vict. c. 38.  
s. 21.

1. Discharge, purchase, or redemption of incumbrances affecting the inheritance of land belonging to the university or college, or of land tax, rentcharge in lieu of tithe, Crown rent, chief rent, or quit rent, charged on or payable out of the land.

2. Payment for equality of exchange or partition of land belonging to the university or college.

3. Purchase of the seignory of any part of the land belonging to the university or college, being freehold land, or in purchase of the fee simple of any part of that land, being copyhold or customary land.

4. Purchase of the reversion or freehold in fee of any part of the land belonging to the university or college, being leasehold land held for years, or life, or years determinable on life.

5. Purchase of land in fee simple, or of copyhold or customary land, or of leasehold land held for sixty years or more unexpired at the time of purchase, subject or not to any exception or reservation of or in respect of mines or minerals therein, or of or in respect of rights or powers relative to the working of mines or minerals therein, or in other land.

6. Purchase, either in fee simple, or for a term of sixty years or more, of mines and minerals convenient to be held or worked with land belonging to the university or college, or of any easement, right, or privilege convenient to be held with that land for mining or other purposes.

7. Payment of costs, charges, and expenses of or incidental to the exercise of any of the powers, or the execution of any of the provisions, of the Universities and College Estates Acts, 1858 to 1880, or this Act.

THIRD SCHEDULE.

IMPROVEMENTS FOR WHICH UNIVERSITIES AND  
COLLEGES MAY BORROW.

See 45 & 46  
Vict. c. 38.  
s. 25.

(i.) Drainage, including the straightening, widening, or deepening of drains, streams, and watercourses :

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- (ii.) Irrigation ; warping :
- (iii.) Drains, pipes, and machinery for supply and distribution of sewage as manure :
- (iv.) Embanking or weiring from a river or lake, or from the sea, or a tidal water :
- (v.) Groynes ; sea walls ; defences against water :
- (vi.) Inclosing ; straightening of fences ; re-division of fields :
- (vii.) Reclamation ; dry warping :
- (viii.) Farm roads ; private roads ; roads or streets in villages or towns :
- (ix.) Clearing ; trenching ; planting :
- (x.) Cottages for labourers, farm-servants, and artisans employed on the land or not :
- (xi.) Farmhouses, offices, and out-buildings, and other buildings for farm purposes :
- (xii.) Saw-mills, scutch-mills, and other mills, water-wheels, engine-houses, and kilns, which will increase the value of land belonging to the university or college for agricultural purposes or as woodland or otherwise :
- (xiii.) Reservoirs, tanks, conduits, watercourses, pipes, wells, ponds, shafts, dams, weirs, sluices, and other works and machinery for supply and distribution of water for agricultural, manufacturing, or other purposes, or for domestic or other consumption :
- (xiv.) Tramways ; railways ; canals ; docks :
- (xv.) Jetties, piers, and landing places on rivers, lakes, the sea, or tidal waters, for facilitating transport of persons and of agricultural stock and produce, and of manure and other things required for agricultural purposes, and of minerals, and of things required for mining purposes :
- (xvi.) Markets and market-places :
- (xvii.) Streets, roads, paths, squares, gardens, or other open spaces for the use, gratuitously or on payment, of the public or of individuals, or for dedication to the public, the same being necessary or proper in connexion with the conversion of land into building land :
- (xviii.) Sewers, drains, watercourses, pipe-making, fencing, paving, brick-making, tile-making, and other works necessary or proper in connexion with any of the objects aforesaid :
- (xix.) Trial pits for mines, and other preliminary works necessary or proper in connexion with development of mines :

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Vict. c. 69.

s. 13.

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A. D. 1898. (xx.) Bridges:

(xxi.) Making any additions to or alterations in buildings reasonably necessary or proper to enable the same to be let:

(xxii.) Erection of buildings in substitution for buildings within an urban district taken by a local or other public authority, or for buildings taken under compulsory powers, but so that no more money be expended than the amount received for the buildings taken and the site thereof:

(xxiii.) Reconstruction, enlargement, or improvement of any of those works.

# FOURTH SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
21 & 22 Vict. c. 44.	The Universities and College Estates Act, 1858.	Section one. Sections three to twenty inclusive. Sections twenty-two to twenty-five inclusive. Section twenty-eight, from "Provided always that where" to the end of the section. The Schedule.
23 & 24 Vict. c. 59.	The Universities and College Estates Act Extension, 1860.	The words "or grant" in the last proviso of section one. Sections two, three, and six.
43 & 44 Vict. c. 46.	The Universities and College Estates Amendment Act, 1880.	Subsection (3) of section two and the Schedule.

62 & 63 VICT. CHAPTER 33.

An Act to provide for the Establishment of a Board of Education for England and Wales, and for matters connected therewith. A. D. 1899.

[9th August 1899.]

[Section 1 establishes the Board of Education.

Section 2 enacts that the Board shall take the place of the Education Department, including the Department of Science and Art, and authorizes the transfer to it by Order in Council of any powers of the Charity Commissioners or Board of Agriculture relating to education.]

3.—(1.) The Board of Education may by their officers, or, after taking the advice of the Consultative Committee herein-after mentioned, by any University or other organisation, inspect any school supplying secondary education and desiring to be so inspected, for the purpose of ascertaining the character of the teaching in the school and the nature of the provisions made for the teaching and health of the scholars, and may so inspect the school on such terms as may be fixed by the Board of Education with the consent of the Treasury: Provided that the inspection of schools established by scheme under the Welsh Intermediate Education Act, 1889, shall, subject to regulations made by the Treasury under section nine of that Act, be conducted as heretofore by the Central Welsh Board for Intermediate Education, and that the said Board shall be recognised as the proper organisation for the inspection of any such schools as may be desirous of inspection under this section.

Inspection  
of second-  
ary schools.

52 & 53  
Vict. c. 40.

4. It shall be lawful for Her Majesty in Council, by Order, to establish a Consultative Committee consisting, as to not less than two-thirds, of persons qualified to represent

Consulta-  
tive Com-  
mittee.



A. D. 1899. sent the views of Universities and other bodies interested in education, for the purpose of—

- (a) framing, with the approval of the Board of Education, regulations for a register of teachers, which shall be formed and kept in manner to be provided by Order in Council: Provided that the register so formed shall contain the names of the registered teachers arranged in alphabetical order, with an entry in respect to each teacher showing the date of his registration, and giving a brief record of his qualifications and experience; and
- (b) advising the Board of Education on any matter referred to the committee by the Board.

## 2 EDW. 7. CHAPTER 28.

A. D. 1902. An Act to amend the Law relating to the Sale of Intoxicating Liquors and to Drunkenness, and to provide for the Registration of Clubs.

[8th August 1902.]

### PART III.

#### REGISTRATION OF CLUBS.

Registration of clubs.

24.—(1) The secretary of every club which occupies a house or part of a house or other premises which are habitually used for the purposes of a club, and in which any intoxicating liquor is supplied to members or their guests, shall cause the club to be registered in manner provided by this Act.

(2) The registration of a club under this Act shall not constitute the club premises licensed premises, or authorise any sale of intoxicating liquor therein which would otherwise be illegal.

Mode of registration.

25.—(1) The clerk to the justices of every petty sessional division shall keep a register of all such clubs within the Division.

(2) The register shall be in a form prescribed by the A. D. 1902. Secretary of State, and shall contain—

- (a) the name and objects of the club;
- (b) the address of the club;
- (c) the name of the secretary;
- (d) the number of members;
- (e) the rules of the club relating to—
  - (i) the election of members and the admission of temporary and honorary members and of guests;
  - (ii) the terms of subscription and entrance fee, if any;
  - (iii) the cessation of membership;
  - (iv) the hours of opening and closing; and
  - (v) the mode of altering the rules.

(3) The secretary of every such club shall, in the month of January nineteen hundred and three, and in the month of January in each succeeding year, furnish to the clerk to the justices a return, signed by the secretary, giving the above-mentioned particulars, together with a signed statement that there is kept upon the club premises a register of the names and addresses of the club members, and a record of the latest payment of their subscriptions.

(4) Where after the commencement of this Act a new club requiring registration is about to be opened the secretary shall, before the opening of the club, furnish a return, signed by him, to the clerk to the justices giving the above-mentioned particulars.

(5) The clerk to the justices shall keep the register of clubs corrected up to date in accordance with the returns furnished by the secretaries, and the register shall, at all reasonable hours, be open to the inspection of an inspector or superintendent of police, or an officer of the inland revenue, without fee, and of any person on payment of a fee not exceeding one shilling.

(6) A fee of five shillings shall be payable to the clerk to the justices on each return made by the secretary of a club.

(7) In the application of this section to Oxford, the Registrar of the Court of the Chancellor of the University

A.D. 1902. shall be substituted for the clerk to the justices in the case of any club mainly composed of members past or present of the University.

Striking  
off  
register.

28.—(1) Where a club has been registered in pursuance of this Act a court of summary jurisdiction on complaint in writing by any person may, if it thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds, namely—

- (a) that the club has ceased to exist, or that the number of members is less than twenty-five ; or
- (b) that it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose ; or
- (c) that there is frequent drunkenness on the club premises ; or
- (d) that illegal sales of intoxicating liquor have taken place on the club premises ; or
- (e) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor ; or
- (f) that the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a licence has been forfeited or the renewal of a licence has been refused, or in respect of which an order has been made that they shall not be used for the purposes of a club ; or
- (g) that persons are habitually admitted as members without an interval of at least forty-eight hours between their nomination and admission ; or
- (h) that the supply of intoxicating liquor to the club is not under the control of the members or the committee appointed by the members.

(2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

(3) If the court grants a summons on the complaint, the summons shall be served on the secretary and on such other person, if any, as the court may direct.

(4) Where the court makes an order striking a club off A. D. 1902. the register the court may, if it thinks fit, by that order further direct that the premises occupied by the club shall not be used for the purposes of any club which requires registration under this Act for a specified period, which may extend to twelve months in case of a first order or in case of a second or subsequent order to five years; provided that any such direction may, for good cause shown, be subsequently cancelled or varied by the court.

(5) In the application of this section to Oxford, the court of summary jurisdiction shall be the Court of the Chancellor of the University sitting and acting under the Oxford 49 & 50 University (Justices) Act, 1886, in the case of any club Vict. c. 31. mainly composed of members past or present of the University; provided that that court shall not have power to make an order that premises occupied by any such club shall not be used for the purposes of a club.

### 3 EDW. 7. CHAPTER lxxvi.

An Act to confirm certain Provisional Orders of A. D. 1903.  
the Local Government Board relating to the  
City of Oxford. [21st July 1903.]

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the provisions of the Poor Law Amendment 30 & 31 Act 1867: Vict. c. 106.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Orders set out in the schedule hereto shall be Orders in

<sup>1</sup> *Supra.*

Ch. lxxvi]      *Local Government Board's*      [3 EDW. 7  
*Provisional Orders Confirmation (Poor Law) Act, 1903.*

A. D. 1903. and the same are hereby confirmed and all the provisions thereof shall have full validity and force.

Short title. 2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (Poor Law) Act 1903.

SCHEDULE.

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CITY OF OXFORD.

*Oxford*  
*(Poor Law)*  
*Order.*  
*(1.)*

*Provisional Order for altering the Oxford Poor Act 1854.*

To the Guardians of the Poor within the City of Oxford ;—

To the Vice-Chancellor of the University of Oxford ;—

And to all others whom it may concern.

17 & 18  
Vict.  
c. cxxix.<sup>1</sup>

WHEREAS by Section 2 of the Oxford Poor Act 1854 (herein-after referred to as "the Local Act") it was enacted that there should be elected for the City of Oxford the several parishes therein-before mentioned and for the University of Oxford and for certain of the Colleges and Halls therein thirty-three Guardians of the Poor and that of the said thirty-three Guardians there should be three Guardians for the said University consisting of the Vice-Chancellor for the time being and two other members of the said University being graduates thereof and eight Guardians to be elected by the said Colleges and Halls ;

And whereas by Section 24 of the Local Act the Guardians elected and appointed in pursuance of that Act were incorporated by the name of "the Guardians of the Poor within the City of Oxford" (herein-after referred to as "the Guardians") ;

And whereas by Sections 3 and 4 of the Local Act the Governors or Heads and Senior Bursars of the several Colleges (herein-after referred to as "the Colleges") and the Governors or Heads of the several Halls (herein-after referred to as "the Halls") in the University which are mentioned in the said Section 3 were required to meet together and the Chancellor Masters and Scholars of the said University were required in a Convocation to be held on the Twenty-fifth day of March or as soon after as conveniently might

<sup>1</sup> *Supra.*

be in each year to elect Guardians for the Colleges the A. D. 1903.  
Halls and the University;

And whereas by an Order made in pursuance of the Act <sup>20 Vict.</sup>  
of the twentieth year of Victoria chapter nineteen and dated <sup>c. 19.</sup>  
the Fifteenth day of January One thousand eight hundred  
and sixty-three the Poor Law Board with the consent of  
the occupiers and owners of two-thirds in value of the land  
comprised in a certain place called "Christ Church College"  
directed that the place should be added for the purposes  
of administration of relief to the poor to the district com-  
prising the said parishes within the City of Oxford upon  
certain conditions including the condition that two Guar-  
dians should be elected by the Dean and Chapter of the  
Cathedral Church of Christ in Oxford as Guardians in  
addition to the thirty-three Guardians to be elected under  
the provisions of the Local Act as aforesaid and that the  
elections of such two Guardians should be at the same  
time as Guardians are elected for the Colleges under  
Section 3 of the Local Act;

And whereas application has been duly made to the  
Local Government Board to issue a Provisional Order to  
alter the Local Act as herein-after appearing:

Now therefore We the Local Government Board in pur-  
suance of the powers given to Us by Section 2 of the Poor <sup>30 & 31</sup>  
Law Amendment Act 1867 and by any other Statutes in <sup>Vict. c. 106.</sup>  
that behalf do hereby order that from and after the date  
of the Act of Parliament confirming this Order the Local  
Act shall be altered so as to provide as follows viz.,—

Art. I. Notwithstanding anything in the Local Act the <sup>Date of</sup>  
annual election of Guardians in pursuance of Section 3 of <sup>election for</sup>  
the Local Act for the Colleges and for the Halls by the <sup>Guardians</sup>  
Governors or Heads and Senior Bursars of the Colleges <sup>of the</sup>  
and the Governors or Heads of the Halls and the annual <sup>University</sup>  
election of Guardians in pursuance of Section 4 of the Local <sup>and the</sup>  
Act for the University by the Chancellor Masters and <sup>Colleges</sup>  
Scholars thereof shall be held on such day in the month <sup>and Halls</sup>  
of March in each year as may be fixed by the Vice-Chan- <sup>thereof.</sup>  
cellor of the said University instead of on the Twenty-fifth  
day of March or as mentioned in those sections:

Provided as follows:—

- (1) If from any cause the Vice-Chancellor fail to fix  
a day for the said elections the same shall be held  
on such day as may be determined by the Local  
Government Board:

Ch. lxxvi]      *Local Government Board's*      [3 EDW. 7  
*Provisional Orders Confirmation (Poor Law) Act, 1903.*

A. D. 1903.      (2) The annual election of Guardians by the Dean and Chapter of the Cathedral Church of Christ in Oxford for the place called Christ Church College shall continue to be held on the Twenty-fifth day of March in each year or as soon after as conveniently may be.

Short title.      Art. II. This Order may be cited as the Oxford (Poor Law) Order (No. 1) 1903.

Given under the Seal of Office of the Local Government Board this Ninth day of May One thousand nine hundred and three.

(L. S.)      WALTER H. LONG President.  
                                  S. B. PROVIS Secretary.

*Oxford*  
*(Poor Law)*  
*Order.*  
*(2.)*

CITY OF OXFORD.

*Provisional Order for altering the Oxford Poor Act 1854.*

To the Guardians of the Poor within the City of Oxford;—

To the Churchwardens and Overseers of the Poor of the Parishes of Saint Aldate (with the Liberty of Grandpont) Saint Ebbe and Saint Thomas;—

And to all others whom it may concern.

17 & 18  
 Vict.  
 c. ccxix.<sup>1</sup>

WHEREAS by Section 2 of the Oxford Poor Act 1854 (herein-after referred to as "the Local Act") it was enacted that there should be elected for the City of Oxford the several parishes therein-before mentioned which included the Parishes of Saint Aldate (with the Liberty of Grandpont) Saint Ebbe and Saint Thomas and for the University of Oxford and for certain of the Colleges and Halls therein thirty-three Guardians of the Poor and that of the said thirty-three Guardians eleven should be elected for the said parishes one to be elected for each parish;

And whereas by Section 24 of the Local Act the Guardians elected and appointed in pursuance of that Act were incorporated by the name of "the Guardians of the Poor within the City of Oxford" (herein-after referred to as "the Guardians");

20 Vict.  
 c. 19.

And whereas by virtue of an Order of the Poor Law Board made in pursuance of the Act of the twentieth year

<sup>1</sup> *Supra.*

of Victoria chapter nineteen and dated the Fifteenth day A. D. 1903. of January One thousand eight hundred and sixty-three a place called Christ Church College was included within the district subject to the jurisdiction of the Guardians and provision was made for the appointment of two Guardians of the Poor in addition to the thirty-three Guardians of the Poor mentioned in Section 2 of the Local Act ;

And whereas application has been duly made to the Local Government Board to issue a Provisional Order to alter the Local Act as herein-after appearing :

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 2 of the Poor Law Amendment Act 1867 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be altered so that the following provisions shall have effect that is to say,—

Art. I. This Order shall come into operation on the next ordinary day of election of Guardians of the Poor for the said parishes except that for all proceedings preliminary or relating to the election of Guardians on the said date this Order shall be deemed to come into operation at such earlier date as may be necessary.

Art. II. Section 2 of the Local Act shall be altered and shall have effect as if the number of Guardians to be elected thereunder were thirty-seven instead of thirty-three as if the number of Guardians to be elected for the parishes in that section referred to were fifteen instead of eleven and as if two Guardians instead of one were directed to be elected for each of the said Parishes of Saint Aldate (with the Liberty of Grandpont) and Saint Ebbe and as if three Guardians instead of one were directed to be elected for the said Parish of Saint Thomas.

Art. III. This Order may be cited as the Oxford (Poor Law) Order (No. 2) 1903.

Given under the Seal of Office of the Local Government Board this Ninth day of May One thousand nine hundred and three.

(L. S.)

WALTER H. LONG President.  
S. B. PROVIS Secretary.



Ch. cx] *Board of Education Scheme (Hulme Trust Estates Educational) Confirmation Act, 1907.* [7 EDW. 7

7 EDW. 7. CHAPTER cx.

A. D. 1907. An Act to confirm a Scheme approved and certified by the Board of Education under the Charitable Trusts Act 1853 relating to the Hulme Trust Estates (Educational).<sup>1</sup> [2nd August 1907.]

WHEREAS in pursuance of sections fifty-four to sixty of the Charitable Trusts Act 1853<sup>2</sup> and under the Board of Education Act 1899<sup>3</sup> and the Board of Education (Powers) Orders in Council 1900 to 1902 the Board of Education have approved and certified the Scheme set out in the Schedule to this Act and that Scheme is specially distinguished and set forth in a report made by the Board of Education to His Majesty in the month of February last past and laid before both Houses of Parliament :

And whereas that Scheme requires the confirmation of Parliament :

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Confirma-  
tion of  
Scheme.

1.—(1) The Scheme set out in the Schedule to this Act is hereby confirmed.

(2) Nothing in this Act or in that Scheme shall save as in that Scheme expressly provided take away abridge or affect any power or jurisdiction of the High Court or of the Board of Education with respect to the Foundation dealt with by that Scheme or with respect to any Scheme affecting that Foundation.

Short title. 2. This Act may be cited as the Board of Education

<sup>1</sup> For previous legislation with regard to the Hulme Foundation see (*supra*) 10 Geo. 3. c. 51, 35 Geo. 3. c. 62, 54 Geo. 3. c. 205, 7 & 8 Geo. 4. c. 9, and 2 & 3 Vict. c. 17.

<sup>2</sup> 16 & 17 Vict. c. 137 (*supra*).

<sup>3</sup> 62 & 63 Vict. c. 33 (*supra*).

7 EDW. 7] *Board of Education Scheme (Hulme [Ch. cx  
• Trust Estates Educational) Confirmation Act, 1907.*

Scheme (Hulme Trust Estates Educational) Confirmation A.D. 1907.  
Act 1907.

## SCHEDULE.

### BOARD OF EDUCATION.

In the matter of the Foundation known as the HULME TRUST ESTATES (EDUCATIONAL) in the University of OXFORD and in the county of LANCASHIRE founded by Will of William Hulme twenty-fourth October one thousand six hundred and ninety-one and regulated by Private Acts of Parliament 10 George III. c. 51 35 George III. c. 62 54 George III. c. 203<sup>1</sup> 7 & 8 George IV. c. 9 and 2 Victoria c. 17 and by Schemes made under the Endowed Schools Acts on twenty-sixth August one thousand eight hundred and eighty-one second February one thousand eight hundred and eighty-four twenty-eighth November one thousand eight hundred and eighty-seven seventh October one thousand eight hundred and ninety-nine as altered by Schemes made under the Charitable Trusts Acts on fourteenth November one thousand eight hundred and ninety-sixth January one thousand eight hundred and ninety-three thirteenth July one thousand nine hundred and twenty-first July one thousand nine hundred and six and determined by an Order of the Charity Commissioners twenty-second September one thousand nine hundred and three so far as it is held for solely educational purposes<sup>2</sup>;

<sup>1</sup> *Sic.* The Act referred to is 54 Geo. 3. c. 205 (*supra*).

<sup>2</sup> The scheme of the 26th of August, 1881, is a general scheme for the administration of the Hulme Trust. It provides for the management of the estates by 'Estates Managers', who are directed to pay yearly out of income £1000 to Hulme Hall (a residence for students of Owens College, Manchester) and £500 to £1000 to Owens College, and to pay over the balance of the income to a body of governors. Three of the governors, the Dean of Manchester and the Rectors of Prestwich and Bury, are *ex officio* and the remaining fifteen (increased to sixteen by the scheme of the 1st of July, 1906) representative, two of these being elected by Brasenose College. The governors are to apply annually £2000 to the maintenance of twelve junior exhibitions of £80, and eight senior exhibitions of £130 a year to be filled by competitive examination. Power is given to vary with the consent of Brasenose College the number and value of each class, but so that the total number shall not be less than twenty, nor the sum applied in maintaining them less than £2000. Any part of the £2000 not spent through default of fit candi-

Ch. cx] *Board of Education Scheme (Hulme [7 Edw. 7  
Trust Estates Educational) Confirmation Act, 1907.*

A. D. 1907. In the matter of the Charitable Trusts Acts 1853 to 1894 ;  
and

In the matter of the Board of Education Act 1899 and the  
Board of Education (Powers) Orders in Council 1900  
to 1902.

The Board of Education in exercise of the powers conferred  
on them by the above-mentioned Acts and Orders do hereby  
certify that the following Scheme be and the same is  
hereby approved by them.

SCHEME FOR THE ADMINISTRATION OF THE ABOVE-  
MENTIONED FOUNDATION.

Alteration of Scheme. 1. The above-mentioned Scheme of twenty-sixth August  
one thousand eight hundred and eighty-one (herein-after  
called the Scheme) as altered is hereby further altered so  
as to give effect to the provisions herein-after contained.

Governors representative of Brasenose College. 2. The provision in clause nineteen of the Scheme that  
the Representative Governors shall be resident in the  
Diocese of Chester or Diocese of Manchester shall not  
apply to the Representative Governors appointed by the  
Principal and Fellows of the King's Hall and College of  
Brasenose in the University of Oxford herein-after called  
Brasenose College.

3. For clause eighty-three of the Scheme the following  
clause is substituted :—

Applica- tion of Out of the net income of the Foundation not applied or  
disposed of under any of the provisions of the above-men-  
tioned Schemes received by the Governors up to twenty-  
fourth December next after the date of this Scheme in-  
cluding a proportionate part of such income receivable up  
to the same day a sum at the rate of four hundred pounds  
a year from twenty-fifth December one thousand nine hun-  
dred and four to the said twenty-fourth December shall be  
paid by the Governors to the Governors of the Hulme

dates or otherwise is to be applied in increasing the exhibitions in number and  
value, or in either. Power is given to the Principal and Fellows of Brasenose  
to elect to senior exhibitions without a special examination for that purpose  
on the ground of intellectual qualifications as tested in an University com-  
petitive examination. Provisions are made as to age and standing of candi-  
dates for exhibitions and terms of tenure, which are varied by the Schemes of  
the 6th of January, 1893, and the 13th of July, 1900. The former of these  
schemes makes the exhibitions tenable at Brasenose College, a limitation  
which though clearly implied was not expressed in the scheme of 1881.

The other schemes referred to deal with matters not material to be here  
stated.

Grammar School Oldham for such purposes of that school as they may think fit and a like sum to the Governors of Bury Grammar School for the like purposes of that school. The residue of the said net income shall be divided into two equal shares called the Brasenose College share of accumulations and the Lancashire share of accumulations respectively and shall be applied as herein-after directed. A. D. 1907.

Out of the said net income of the Foundation accruing after twenty-fourth December next after the date of this Scheme the sum of six hundred pounds a year shall be paid by the Governors to the Governors of Oldham Grammar School for the general maintenance of that school and a like sum of six hundred pounds a year shall be paid to the Governors of Bury Grammar School for the general maintenance of that school. These sums shall be in addition to the sum of one thousand two hundred and fifty pounds a year payable to the said Governors respectively under and shall be in full satisfaction of all other yearly sums payable to the same schools mentioned in the Schemes of twenty-eighth November one thousand eight hundred and eighty-seven and seventh October one thousand eight hundred and ninety-nine and shall include the sum of two hundred and fifty pounds a year temporarily payable to the Governors of Oldham Grammar School under an Order of the Charity Commissioners of fourteenth December one thousand eight hundred and ninety-seven.

The residue of the said net income shall be divided into two equal shares called the Brasenose College share of income and the Lancashire share of income respectively and shall be paid by the Governors as herein-after directed.

#### *Brasenose College Share.*

4. The Brasenose College share of accumulations shall be paid by the Governors to Brasenose College as soon as practicable after the date of this Scheme and shall be applied by Brasenose College as capital or income as they may think fit as a building fund either towards payment of any debt then owing by Brasenose College in respect of or for the extension improvement or equipment of their buildings and as to one thousand pounds part thereof as capital or income as they may think fit for any of the purposes in or in connection with the University of Oxford herein-after defined as Oxford University purposes. Accumulations.

Ch. cx] *Board of Education Scheme (Hulme* [7 EDW. 7  
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A. D. 1907. There shall also be paid or transferred by the Governors to Brasenose College as soon as practicable after the date of this Scheme all cash stocks funds or securities standing to the credit of the Governors to an account entitled the Hulme Exhibitions (Brasenose) Accumulation Fund and all moneys so received or transferred shall after meeting current charges on the fund be invested by Brasenose College and the income applied for Hulmeian Exhibitions as herein-after provided.

Half-yearly payments. 5. The Brasenose College share of income together with the yearly sum of two thousand pounds mentioned in clause thirty-five of the Scheme shall be paid free of income tax by the Governors to Brasenose College half-yearly and shall be applied by the college as herein-after provided.

Hulmeian Scholarships and Exhibitions. 6. The said sum of two thousand pounds and the income of the Hulme Exhibitions (Brasenose) Accumulation Fund together with a further sum of four hundred pounds a year shall be applied by Brasenose College in accordance with the provisions in this clause contained which are hereby substituted for clauses thirty-five to thirty-nine inclusive of the Scheme as altered and amended by the Schemes of sixth January one thousand eight hundred and ninety-three and thirteenth July one thousand nine hundred in the maintenance of twenty scholarships of which eight shall be called Senior Hulmeian Scholarships and twelve shall be called Junior Hulmeian Scholarships and so many exhibitions which shall be called Hulmeian Exhibitions as in the opinion of Brasenose College funds may from time to time permit tenable at Brasenose College and to be awarded to candidates whose pecuniary circumstances are such that in the judgment of Brasenose College they could not without help reside at the University.

The Senior Hulmeian Scholarships shall be each of the value of one hundred and fifty pounds a year and shall be awarded to candidates who have been in residence at Brasenose College for not less than eight nor more than sixteen terms either—

(a) on a competitive examination in any subjects for which a Final Honour Class List is issued by Oxford University ; or

(b) on the result of some Oxford University examination in such subjects ;

and shall be tenable for not more than four years at Brasenose College or in the case of a holder who has qualified for

the degree of Bachelor of Arts and has been placed in the Honours Class List at a final examination of the University elsewhere if Brasenose College are satisfied that he is pursuing his education. A. D. 1907.

The Junior Hulmeian Scholarships shall each be of the value of one hundred pounds a year and shall be awarded on the result of a competitive examination in such subjects as the College may from time to time determine to candidates not more than nineteen years of age.

Each Junior Hulmeian Scholarship shall be tenable subject as herein-after provided until the beginning of the University term following the expiration of two years from the date of election if the person elected be a member of the University and if he be not then a member of the University for two years from the Michaelmas day next following the date of election. At the end of such period of two years the scholarship shall determine unless Brasenose College shall be satisfied with the industry and good conduct of the scholar in which case the scholarship shall be tenable for a further period of two years which may be extended for another year if funds permit if for special reasons Brasenose College so determine.

The Hulmeian Exhibitions shall be each of a value not exceeding seventy pounds a year and shall be awarded to candidates of not more than twenty years of age in the same manner and on the same conditions as the Junior Hulmeian Scholarships.

Any Junior Hulmeian Scholar or Hulmeian Exhibitioner shall if he becomes a Senior Hulmeian Scholar or a selected candidate for the Indian Civil Service or obtain any other appointment to which emoluments amounting to one hundred pounds a year are attached thereupon vacate his scholarship or exhibition but any such scholar or exhibitioner may be awarded a special scholarship not exceeding in value forty pounds a year so long as he continues in residence at Brasenose College.

The award of the scholarships and exhibitions shall be so arranged that as nearly as possible the same number may be awarded each year. Any scholarship or exhibition for which there is no duly qualified candidate who on examination is adjudged worthy to take it shall for that turn not be awarded. If a holder of a scholarship or an exhibition is in the judgment of Brasenose College guilty of serious misconduct or idleness or fails to maintain a reason- General conditions as to scholarships and exhibitions. Deprivation.

Ch. cx] *Board of Education Scheme (Hulme [7 EDW. 7  
Trust Estates Educational) Confirmation Act, 1907.*

A. D. 1907. able standard of proficiency or ceases to pursue his education Brasenose College may deprive him of the scholarship or exhibition or of any part of it.

Examina- The expenses of any examination for Hulmeian Scholar-  
tion ships and Exhibitions shall be paid out of the income applic-  
expenses. able for the maintenance of scholarships and exhibitions.

Surplus. Any part of the said yearly sums applicable to Hulmeian Scholarships and Exhibitions which in default of fit candidates or otherwise may in any year remain unapplied shall be invested and accumulated and Brasenose College may out of the accumulations or out of the Brasenose College share from time to time augment the Hulmeian Scholarships or Exhibitions in number and value or either by Standing Order so that the total sum applicable for such scholarships and exhibitions shall apart from the income arising from the said Accumulation Fund not exceed three thousand pounds a year.

Brasenose College and Oxford University purposes. 7. Subject as aforesaid the residue of the Brasenose College share of income shall be applied by Brasenose College two-thirds to Brasenose College purposes and one-third to Oxford University purposes as herein-after defined and not more than one of such two-thirds may if Brasenose College think fit be applied either permanently or for a limited time to purposes which are partly Brasenose College purposes and partly Oxford University purposes.

Brasenose College purposes. 8. Brasenose College purposes shall mean and include—

(1) All such purposes for the advancement of learning and education in or in connection with Brasenose College either by way of—

(a) Augmentation in number or value of fellowships lectureships tutorships or other offices of the College;

(b) Payments for special tuition in the College in any subject;

(c) Payments for or towards study or research by members of the College whether undergraduate or graduate with power to elect any one a member of the College for this purpose;

(d) Payments by way of pecuniary assistance to any resident member of the College under the degree of M.A. who may in the judgment of Brasenose College be in need of such assistance; or

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- (e) Payments by way of pensions or contributions to the pension fund of the College; A. D. 1907.  
as Brasenose College may from time to time think fit; and
- (2) Any purposes in or connected with the College which Brasenose College may from time to time by resolution with the approval in writing of the Board of Education declare to be Brasenose College purposes.
9. Oxford University purposes shall mean and include— Oxford University purposes.  
(1) All such purposes for the advancement of learning and education in the University of Oxford by way of—  
(a) Contributions to the general maintenance of the University or of any University institutions;  
(b) Contributions for any special purposes of study or research in or in connection with the University;  
(c) Payments to any University professors readers or other teachers or officers;  
(d) Payments by way of pensions or contributions to pension funds for University professors readers or other teachers or officers;  
as Brasenose College with the consent of the Hebdomadal Council of the University may from time to time determine; and
- (2) Any purposes in or connected with the University which Brasenose College with the consent of the Hebdomadal Council of the University and with the approval in writing of the Board of Education shall from time to time declare to be University purposes.
10. Purposes partly Brasenose College purposes and partly Oxford University purposes shall mean and include any such purposes for the advancement of learning and education partly in or in connection with Brasenose College and partly in or in connection with the University of Oxford as Brasenose College after consultation with the Hebdomadal Council and with the approval in writing of the Board of Education shall declare to be such purposes. Mixed Brasenose College and University purposes.
11. Any moneys applicable to Brasenose College purposes or Oxford University purposes and not so applied in any year may either be applied for like purposes in a suc- Unapplied surplus.



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A. D. 1907. ceeding year or be invested and the income of the investments applied for the like purposes in subsequent years as Brasenose College may think fit.

Accounts of Brasenose College share. 12. Brasenose College shall keep full and true accounts of all moneys received by them under this Scheme and shall cause the accounts to be audited every year and certified by a chartered accountant and shall publish the accounts at the Clarendon Press in Oxford and in each year send copies of the accounts so published to the Board of Education. The Board of Education may require copies of the accounts in any form they think fit.

Property under this Scheme not to be corporate property of Brasenose College or Oxford University. 13. No money or property paid or transferred to Brasenose College under this Scheme shall (except in so far as it has been spent on building or equipment forming part of the corporate property of Brasenose College or Oxford University) be or become part of the corporate property of Brasenose College or of Oxford University nor be or become subject to the Universities of Oxford and Cambridge Act 1877<sup>1</sup> or the Universities and College Estates Acts 1858 to 1898<sup>2</sup> or any of them but shall remain subject to the jurisdiction of the Board of Education under the Charitable Trusts Acts 1853 to 1894 and all or any of the provisions herein-before contained as to the Brasenose College share of accumulations and income and the said sum of two thousand pounds a year may be altered from time to time by the Board of Education in the exercise of their jurisdiction under the Charitable Trusts Acts 1853 to 1894 on the application of Brasenose College as the trustees thereof.

Any question or conflict which may arise between the provisions of this Scheme and the statutes of Brasenose College or of Oxford University shall be determined conclusively by the Board of Education upon such application made to them as they may think sufficient.

[Clauses 14-17 regulate the application of the Lancashire Share of Income.]

*General.*

Religious exemption. 19. No religious test or qualification shall be directly or indirectly made a condition for or disqualify from receiving any benefit under this Scheme nor shall attendance at any

<sup>1</sup> 40 & 41 Vict. c. 48 (*supra*).

<sup>2</sup> 21 & 22 Vict. c. 44 (*supra*), 23 & 24 Vict. c. 59 (*supra*), 43 & 44 Vict. c. 46 (*supra*), and 61 & 62 Vict. c. 55 (*supra*).

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religious service meeting class or other religious observance A. D. 1907.  
 be directly or indirectly required of any person receiving  
 such benefit.

20. Any question as to the construction of this Scheme Questions under Scheme.  
 or as to the regularity or the validity of any acts done  
 or about to be done under this Scheme shall be deter-  
 mined conclusively by the Board of Education upon such  
 application made to them for the purpose as they think  
 sufficient.

21. The date of this Scheme shall be the day on which Date of Scheme.  
 the Royal Assent shall be given to any Act of Parliament  
 by which this Scheme may be confirmed.

Sealed by order of the Board this twentieth day of  
 December one thousand nine hundred and six.

W. N. BRUCE.

7 EDW. 7. CHAPTER cxlii.

An Act to vest the existing tramways in the city  
 of Oxford in the City of Oxford Electric Tram-  
 ways Limited and to authorise that Company to  
 remove and reconstruct the same and to construct  
 additional tramways in and adjacent to the city  
 and for other purposes. [21st August 1907.]

[This Act, 'The Oxford and District Tramways Act,  
 1907,' contains the following clause for the protection  
 of the Radcliffe Observatory.]

67. Notwithstanding anything contained in this Act the For pro-  
 tection of  
 trustees of  
 Radcliffe  
 Observa-  
 tory.  
 following provisions for the protection and benefit of the  
 Right Honourable Arthur Wellesley Viscount Peel the  
 Right Honourable Victor Albert George Child Earl of  
 Jersey G.C.B. Sir William Reynell Anson Baronet M.P.  
 the Most Noble Herbrand Arthur Duke of Bedford K.G.  
 the Right Honourable Sir Edward Grey Baronet P.C. M.P.  
 and the Reverend Henry Boyd D.D. the trustees of the will  
 of Dr. John Radcliffe (deceased) or other the owners for the  
 time being of the observatory known as "the Radcliffe"

A. D. 1907. Observatory "situate in the city of Oxford and of the premises occupied therewith (all of whom are in this section referred to as "the owners") shall except so far as may be otherwise agreed in writing between the Company and the owners apply and have effect (that is to say):—

(1) In this section the expression "the observatory" means the said Radcliffe Observatory together with the grounds and premises occupied therewith:

(2) Tramway No. 9 shall be constructed as single line with such passing-places as may be necessary but no part of any passing-place crossover siding junction or other similar work shall be constructed between the points situate respectively 140 yards from the northern boundary of the observatory measured in a northerly direction and 148 yards from the southern boundary thereof measured in a southerly direction:

(3) (A) So much of that part of Walton Street which is situate between the points respectively 2 chains from the northern boundary of the observatory measured in a northerly direction and 2 chains from the southern boundary thereof measured in a southerly direction as the Company are by this Act and the enactments incorporated therewith required to maintain or keep in good condition and repair shall be properly paved with suitable wood blocks upon a concrete foundation to the reasonable satisfaction of the owners and shall be properly maintained with the same materials and to the like satisfaction;

(B) The section of this Act whereof the marginal note is "Penalty for not maintaining rails and roads" shall apply to the provisions of this section as if the same had been included in section 28 of the Tramways Act 1870<sup>1</sup> and the owners shall be at liberty to take proceedings to enforce the provisions of the said section of this Act:

<sup>1</sup> 33 & 34 Vict. c. 78.

- (4) The width of the footpath upon which the observatory abuts shall not be reduced :
- (5) No brackets wires or other apparatus of any description shall be attached to the property of the owners :
- (6) In the construction or repair of the tramways no vehicle shall be used in Walton Street the weight of which when unloaded exceeds nine tons and no carriage or engine shall be used on the tramways the weight of which together with its equipment exceeds nine tons unloaded :
- (7) No place shall be appointed for the stopping of carriages on the tramways between the points referred to in subsection (3) of this section :
- (8) The tramways shall not be used except for the purpose of carrying passengers and parcels :
- (9) The tramway in Walton Street shall not be used between the hours of eleven o'clock in the evening and five o'clock in the morning except upon special occasions which shall not occur more frequently than twelve times in any one year :
- (10) (A) No carriage used on the tramways shall be allowed to go at a greater speed than six miles per hour between the points situate respectively 140 yards from the northern boundary of the observatory measured in a northerly direction and 148 yards from the southern boundary thereof measured in a southerly direction :
- (B) If the driver of any carriage used on the tramways shall contravene the provisions of this subsection he shall be liable to a penalty not exceeding forty shillings :
- (11) Every fireplace furnace chimney or shaft used at any time at or in connexion with a generating station belonging to the Company from which energy is supplied for working the tramways and situate within three miles from the observatory shall be constructed and used so as to consume

- A. D. 1907. or burn all smoke or vapour arising therefrom so far as is reasonably practicable: .
- (12) Any penalty recovered under this Act or the enactments incorporated therewith on prosecution by the owners or by any person acting on their behalf or any part of such penalty shall if the court so direct be paid to the owners:
- (13) Any question or difference which may arise between the owners and the Company or other the owners for the time being of the tramways under the provisions of this section shall (except where otherwise herein provided) be determined by arbitration the arbitrator being appointed in default of agreement by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

10 EDW. 7. CHAPTER 8.

A. D. 1910. An Act to grant certain Duties of Customs and Inland Revenue (including Excise), to alter other Duties, and to amend the Law relating to Customs and Inland Revenue (including Excise), and to make other financial provisions.

[29th April 1910.]

[Part I [comprising sections 1-42) of this Act, the Finance (1909-10) Act, 1910, imposes, under the name of 'Duties on Land Values', four additional taxes on the owners of land, called respectively 'Increment Value Duty', 'Reversion Duty', 'Undeveloped Land Duty', and 'Mineral Rights Duty'.

Section 1 directs increment value duty, to be levied  
(a) on the sale of the fee simple of land or any interest therein or on lease thereof for a term exceeding fourteen years, such sale or lease being in pursuance of a contract made after the commencement of the Act,  
(b) on the passing of the fee simple of land or any

interest therein on death after the commencement of the Act, and (c) where the fee simple of land or any interest therein is held by a body corporate, or by any body unincorporate as defined by 48 & 49 Vict. c. 51, in such a manner or on such permanent trusts that that the land or interest is not liable to death duties, on periodical occasions, namely, as provided by section 6, on the 5th of April in the year 1914 and in every subsequent fifteenth year (with an option to pay by annual instalments).]

37.—(1) No reversion duty or undeveloped land duty under this Part of this Act shall be charged in respect of land or any interest in land held by or on behalf of any governing body constituted for charitable purposes while the land is occupied and used by such a body for the purposes of that body, and increment value duty shall not be collected on any periodical occasion in respect of the fee simple of or any interest in any land held for the purposes of such a body, whether it is occupied or used by that body or not, without prejudice, however, to the collection of the duty on any other occasion.

Special  
provision  
for land  
held for  
charitable  
purposes.

The expression "governing body constituted for charitable purposes" includes any person or body of persons who have the right of holding, or any power of government of, or management over, any property appropriated for charitable purposes (including property appropriated for the purpose of any of the naval or military forces of the Crown), and includes any corporation sole and all universities, colleges, schools, and other institutions for the promotion of literature, science, or art.

[Section 83 deals with customs duties on tobacco, and with excise duties on tobacco grown in the United Kingdom, removing the statutory restriction on the growth, making, or curing of tobacco in England or Scotland and placing them in the same position as Ireland.

Section 96 [1] repeals the Acts specified in the Sixth Schedule, among which are 12 Car. 2. c. 34 [*supra*], 15 Car. 2. c. 7, 22 Geo. 3. c. 73, and 1 & 2 Will. 4. c. 13.]

## APPENDIX I

### AWARDS IN PARLIAMENT RELATING TO THE UNIVERSITIES

ROT. PARL. 40<sup>o</sup> EDW. III m. 1.<sup>1</sup>

A. D. 1366. Et aussint mesme le lendemain les universiteez de Oxen- 9  
ford et Cantebrigg, et les freres de quatre ordres men-  
dinantz compleinantz par lour petitions mis devant le Roi en  
parlement sur diverses outrages debatz damages et mes-  
chiefs faitz et attemptez dun part et dautre, les Chancellers  
et procurours des ditz universitez, et les provinciales et  
Ministres des ditz ordres adonques presentz, et soi sub-  
mittantz de tout en lordinance le Roi, estoit assentu et  
ordeine par le Roi de lassent des Prelatz, Ducs, Countes et  
Barons pur les ditz debatz, damages, outrages et meschiefs  
de tout ouster et adnuller en manere dessouth escrite. . . .  
Nostre Seignur le Roi en ce parlement en deliberacion  
plein et Avys ove les Prelatz grantz et sages de son  
conseil sur diverses grevances, outrages, controversies et  
debatz meuz parentre les universiteez de Oxenford et de  
Cantebrigg dun part, et les quatre ordres de freres mendi-  
nantz dautre part, et monstrez a lui par lour petitions en  
mesme le parlement sur plusieurs pointz de privileges et  
immunitez clamez dun part et dautre en presence des  
Chancelliers et procurours des ditz universiteez eantz plein  
poair de ditz universitees, et de Provincials et Ministres de  
ditz ordres eantz plein poair de ditz ordres, et eux sub-  
mittantz de lour bon gree en haut et bas, et saunz aucun  
retenue ou reservacion, al ordinance nostre dit Seignur le  
Roi des pointz, de grevances, controversies, et debatz mues  
entre eux celle partie; de lassent des ditz Prelatz, nobles,

• 1-Vol. 2, p. 290 of printed edition of Rotuli Parliamentorum.

- grantz, et sages en mesme le parlement pur aise quiete et A. D. 1366.  
 tranquillite des ditz universitees et des estudiãntz en yceles ;
- 10 ad ordeine voet. et commande, qe les Chancellers des ditz  
 universiteez Maistres Regentz et nounregentz, et touz  
 autres des ditz universitees, les freres des ditz ordres  
 illoeques demurantz et a demurer, tretent et amenant en  
 graces, et toutes autres choses que touchent fait descoler ;  
 et les freres ensement se eient et contienent devers les  
 universiteez et chescune persone dycele honestement saunz  
 rumour et amiablement en toutes choses solonc ce et en  
 manere come soleient et fesoient devant lestatut fait  
 nadgairs en les ditz universiteez, contenant qe nul des ditz  
 ordres recevroit en lour ditz ordres escolers de les ditz  
 universiteez deinz lage de xvij anns ; quele estatut le Roi  
 voet qe soit oustez et tenu pur nul ; et qe nul novel  
 estatut sembleable ou ordinance soit fait en mesmes les  
 universitees qe soit prejudiciele as avant ditz freres saunz
- 11 bon et mature deliberation Et aussi voet le Roi qe  
 lexecucion de touz les impetracions des bulles et proces  
 faitz ou poursuis ou affaire ou poursuivre en temps avenir en  
 la Court de Rome et aillours par les freres des ditz ordres  
 ou nul persone singulere de ycelles en general ou especial  
 countre la dite universite ou ascune persone dycelle puis la  
 fesance du dit estatut cesse de tout et soit mys a neant ;  
 Et ensement qe mesmes les freres renoncient de fait et  
 parole a tout avantage qe prendre peussent par vertu de  
 touz tieux impetracions faitz par eux ou nul de eux contre  
 les ditz universitees ou ascun persone dycelles en general  
 ou especial, et proces si nul soit commence ou fait celle  
 partie sur mesmes les impetracions puis la dite ordinance  
 de lestatut fait par les ditz universiteez encea, de tout
- 12 cessent et perdent force et vigour. et prent et reserve le  
 Roi devers lui poer de redrescer et faire amender les  
 outrages et trespas faitz a qeconqe persone singulere par  
 cause de controversies et debatz meues ou attemptez par  
 ascune des causes susdites ou nul de dependance dycelles ;  
 et ovesqe ce le Roi voet et ordeigne qe si nul qe soit  
 membre de les ditz universiteez ou frere des ditz ordres



A. D. 1366. soit trove en coupe contre la fourme de ceste present ordinance en temps avenir, soit puny solonc ce qe semblera a lui par avys de son bon conseil.

ROT. PARL. 5<sup>o</sup> RIC. II Pt. I. m. 9.<sup>1</sup>

A. D. 1382. Fait a remembrer qe grantz plaintes et clamour 45  
Cante- estoient faitz en ceste parlement des Mair Baillifs et la  
brugge Communaltee de la ville de Cantebrugge, de ce qe en  
temps del rumour et levee de malurez gentz ils avec  
plusours autres malfaisours de lours assent et covine en  
oultrageouses multitudes qi estoient venuz a lour envoie a  
la dite ville de Cantebrugge les queux entre autres leurs  
malfaites debriserent le Tresorie del universitee illoeqes et  
les privileges et chartres des Rois, bulles del pape, et  
autres munimentz del dite universite arderent, et qe plus  
est compellerent les Chancellor et Escolers del dite  
universitee de relessier par lettres sealees de lours sealx as  
ditz Mair et Burgeys toutes maneres dactions realx et  
personeles quelles ils avoient envers eux, ou avoir pur-  
roient par quelconqe cause et encores sanz ce leur  
compellerent de leur faire une autre lettre desouz lours  
sealx par quelle ils se obligerent en certaines grandes  
sommes de deniers a paiers as ditz Burgeis deinz un certain  
brief terme, et celles deux lettres detiegnent devers eux  
encores, issint qe pur brief, nautre mandement ou requeste  
qe lour ent ad este fait par nostre Seigneur le Roi ou les  
ditz escolers ne les ont voluz encores deliverer einz par  
dilacions et fryvoles excusacions safforcent de retenir les  
dictes lettres en destruccion de la dite universitee pur touz  
jours si remede suffisant ny soit mys. Paront estoit  
agardez en parlement qe deux mandementz serroient  
faitz lun as Mair Baillifs et communaltee qe ore sont  
en la dite ville et lautre as Mair et Baillifs qi furent  
en temps del dit rumour en la forme qe sensuent :  
Ricardus &c. dilectis sibi Ricardo Maisterman Majori 46  
ac Simoni Glovero Johanni Upwere Johanni Calne et

<sup>1</sup> Vol. 3, pp. 106-9 of the printed edition of Rotuli Parliamentorum.

Willelmo Listere Ballivis, ac communitati ville Cante-A. D. 1382.  
brigie, salutem. Quia ex populari conq̃estione nobis  
in presenti parlamento nostro est intimatum, quod  
Edmundus Lystere nuper Major ac Johannes Herries Hugo  
Candesby Willelmus Cote et Robertus Bloutesham nuper  
Ballivi ville Cantebrigie aggregata sibi magna potestate  
de communitate ejusdem ville ad loca et mansiones Can-  
cellarii, Magistrorum, et scholarium universitatis Cante-  
brigiensis vi et armis accesserunt, et clausa et domos sua  
ibidem et alibi in villa predicta fregerunt et cartas per  
quas progenitores nostri quondam Reges Anglie diversa  
libertates quietancias et privilegia Cancellario Magistris  
et scholaribus universitatis predicte et successoribus suis  
concesserunt imperpetuum optinenda combusserunt et  
ipsos Cancellarium Magistros et scholares diversa scripta  
obligatoria non modicas summas continencia, quod ipsi  
libertates quietancias et privilegia hujusmodi in villa  
predicta ex tunc non excercerent nec clamarent seu ipsos  
nuper Majorem et Ballivos vel communitatem ex hac  
causa non impetirent molestarent seu gravarent facere  
compulerunt, et eadem scripta penes se habent ut dicitur:  
Et nos unicuique ligeorum nostrorum in hac parte fieri  
volentes quod est justum, Vobis precipimus quod vos  
prefati Major et Ballivi in propriis personis vestris et pre-  
fata communitas per tres vel quatuor vestrum sufficientem  
potestatem sub communi sigillo vestro habentes sitis coram  
nobis et dicto consilio nostro hac instanti die Mercurii  
proxima futura ad informandum nos et ipsum consilium  
nostrum de veritate premissorum; et insuper prefatos  
nuper Majorem et Ballivos, ac tres vel quatuor de com-  
munitate predicta hujusmodi potestatem a dicta communi-  
tate in hac parte habentes et de premissis plenarie in-  
formatos coram nobis in dicto parlamento tunc ex causa  
predicta venire et ipsos eadem scripta obligatoria ibidem  
tunc habere faciatis ut nos hiis visis et super premissis  
plenius informati ulterius inde fieri jubere valeamus quod  
justum fuerit et rationis Et habeatis ibi hoc breve Et hoc  
sub pena mille librarum nullatenus omittatis Teste Rege •

1832. apud Westmonasterium sexto die Decembris per  
ipsum Regem et consilium in parlamento.

Ricardus &c. dilectis sibi Edmundo Lystere nuper 47  
Majori ac Johanni Herries Hugoni Candesby Wilhelmo  
Cote Roberto Bloutesham nuper Ballivis ville Cante-  
brigie et eorum cuilibet, salutem Quia ex populari  
conquestione nobis in presenti parlamento nostro est in-  
timatum, quod vos cum magna potestate de communitate  
ejusdem ville ad loca et mansiones Cancellarii Magi-  
strorum et scholarium universitatis Cantebrigiensis apud  
Cantebrigiam vi et armis accessistis et clausa et domos  
sua ibidem et alibi in villa predicta fregistis et cartas per  
quas progenitores nostri quondam Reges Anglie diversa  
libertates quietancias et privilegia Cancellario Magistris  
et scholaribus universitatis predictae et successoribus suis con-  
cesserunt imperpetuum optinenda cremari fecistis et ipsos  
Cancellarium Magistros et scholares diversa scripta obliga-  
toria non modicas summas continencia, quod ipsi libertates  
quietancias et privilegia hujusmodi in villa predicta extunc  
excererent nec clamarent seu vos vel communitatem  
ejusdem ville ex hac causa non impetirent molestarent seu  
gravarent facere compulistis et eadem scripta penes vos  
habetis ut dicitur : et nos unicuique ligeorum nostrorum in  
hac parte fieri volentes quod est justum, Vobis et cuilibet  
vestrum districte precipimus quod sitis in propriis per-  
sonis vestris coram nobis et consilio nostro in dicto parla-  
mento nostro hac instanti die Mercurii proxima futura ad  
informandum nos et ipsum consilium nostrum super plena  
veritate premissorum Et habeatis ibi hoc breve Et hoc  
sub pena mille librarum nullatenus omittatis Teste Rege  
apud Westmonasterium sexto die Decembris per ip-  
sum Regem et consilium in parlamento.

A quel Mesqardy sibien les ditz ore Mair et Baillifs 48  
en leurs persones et la dite communaltee par William  
Berdefeld Robert Coxford et Robert Martyn leurs Com-  
burgeys, esluz pur la dite commune de Cantebrugge, come  
les ditz Esmon Lystere nadgairs Mair et les ditz Johan  
Herries Hugh Candesby William Cote et Robert Bloute-

sham adonques Baillifs par vertu des ditz mandementz vindrent en parlement et les ditz William Berdesfeld Robert Coxford et Robert Martyn examinez s'ils avoient auctoritee souz le commune seal de leur ville ou autre mandement de par le commune en ce cas ou nemye les queux respondirent que la dite ville navoit commune seal, mais confesserent illoques que par vertu del dit mandement direct a leur ville ils furent esluz en lassemblee de leur commune fait pur ceste cause de venir a ce parlement de par la commune et pur y respondre pur mesme la commune et resceivre ce que la loy voet et selonc ce que le mandement a eux direct volloit et demandoit Et adonques sibien les Mair et Baillifs et les autres trois esluz pur la commune, come les autres Mair et Baillifs qui furent le derrain an examinez sur les ditz deux faitz issint faitz cest assaver s'ils les eussent illoques avec eux en parlement selonc ce qu'ils avoient en mandement ou nemye, A quoy le dit Mair qore est respondist pur sa persone soulement et dist quil nestoit unques assentant ne parcener eu prive neu appartenant a la matiere dont les ditz mandementz a eux faitz font mencion ; einz quanque ent fuist fait si estoit fait encontre sa volentee et bone gree, et puis il dist que le dit Esmon nadgaires Mair son proschein predecessour illoques avoit profriz a lui les ditz deux faitz plusours foitz al temps quil estoit a Cantebrygg, et par especial al temps quant le dit ore Mair estoit en alant sur son chemyn a cest parlement come un Burgeys sommeonez a parlement pur leur ville ; et encores depuis sa venue a Londres furent portez a lui a Londres par un Henry Brasyer Burgeys de Cantebrygge de par mesme son predecessour pur les avoir fait liverer as parties ou autre part ou celles devroient estre deliverez : Mais il dist quil les refusast toutdys de resceivre ne autrement ne les vist

49 ne se entremist unques dycelles. Et adonques le dit Esmon nadgairs Mair illoques present respondist et dist quil ne fust unques assentant aidant ne conseillant au dit malfait ne rumour ne rienz unques y fist ne deist que y purroit eschere en damage ou deshonneur de la dite Uni.

1382. versitee sinoun soulement par cohercion et oultrageous compulsion d'autres, si rienz y fist. et oultre il dit pur sa responce qe voirs est qe celles deux faitz furent portez en sa Chambre a Canteburgge et illoeqes privement lessez, mais par qi ou par queux il ne savoit ne unques puis le poait savoir. Mais tantost come il les avoit apperceuz en sa dite Chambre il les prist et profra a son dit successour ore Mair de Canteburgge et al drain les envoiait a lui a Londres come le dit Mair ad conuz : et par tant mesme le Mair ne les voloit resceivre a nul temps, si furent lessez a Londres par le portour dicelles pur y estre prestz quant celles furent demandez. A quoi fust repliez par les sergantz le Roi qe ce ne poait mye estre : qar ils disoient qe voirs est qe plusours requestes ont este faitz depar les ditz Escolers as Burgeis de Canteburgge devaunt ceste heure pur la restitution faire diceulx faitz, et aucuns diceulx Burgeys par tant ont este en la Chancellerie le Roi mesnez en responce, et unques ne voloient faire la dite deliverance ne restitution, ne encores les detiegnent devers eux come par lour propre confession appiert pleinement. A quoy ils respondirent qe les ditz faitz sont ore prestz a restituer et a rebailier la ou ceste noble Courte vorroit agarder ; affermantz avec ce qe unques ne furent ils ne nule autre persone de value de leur ville assentantz a celle ryot : einz ce qe fust fait estoit fait par force des gentz destranges paiis survenantz avec aucuns riotours de lour dite ville, dont ils avoient depuis fait Justice et punissement tiel qe touz ceulx queux ils ent purroient prendre sont mortz. paront de reson len ne doit vers eux susmettre blame ou defaute aucune en ce cas. A quoy feust autrefoitz repliez depar le Roi, qe longe detenue dicelles faitz en les mains des ditz Burgeys encontre la volentee des ditz Escolers et encontre les requestes avaunt dites provent clerement les ditz Burgeys estre en defaute ; et coment qils soi excusent voirs est qe le Mair qe fuist le derrain An, estoit toutdys present sur la fesance et enselement des ditz deux faitz Et surce les ditz Burgeys de Canteburgge 50 delivrerent mesmes les deux faitz ensealez souz les Sealx

avaunt ditz en cest parlement desqueux deux fãit les A. D. 1382.  
 51 tenures sensuent de mot a mot. Omnibus Christi fidelibus ad quos presentes litere pervenerint, Cancellarius universitatis Cantebriensis singulique Magistri et Custodes Collegiorum, ac scolares dicte universitatis, salutem in domino sempiternam Noveritis nos unanimi consensu et assensu tocius universitatis Cantebriensis renunciassse, pro nobis et successoribus nostris imperpetuum quibuscumque privilegiis nobis qualitercumque concessis a quibuscumque Regibus Anglie a principio mundi usque in diem confec-  
 cionis presencium; Submittentes nos ac singulos nostrum pro perpetuo Regulis ac consuetudinibus hactenus usitatis secundum legem Anglie et antiquam consuetudinem Burgi Cantebrie Volentes eciam et promittentes sub pena trium millium librarum per dictam universitatem dictis Burgensibus in festo natalis domini proximo futuro post datum presencium solvendarum exonerare sumptibus nostris propriis et expensis Burgenses quoscumque et alios de communitate dicte ville tam versus dominum Regem quam quoscumque alios de quibuscumque recognicionibus et obligacionibus factis pretexto quarumcumque contensionum et licium dudum ortarum inter universitatem nostram predictam et collegium quodlibet ac communitatem dicte ville de quibus recognicionibus in rotulis Cancellarie domini Regis plenius continetur Promittentes eciam sub eadem pena quod procurabimus et faciemus sumptibus nostris istam compositionem sigillari sigillo patenti Cancellarie Excellentissimi Principis domini nostri Ricardi secundi Regis Anglie In cujus rei testimonium sigillum commune dicte universitatis nostre una cum sigillo cujuslibet collegii ejusdem universitatis presentibus est appensum Datum Cantebriggie in festo apostolorum Philippi et Jacobi Anno regni Regis Ricardi secundi post conquestum quarto. Omnibus Christi fidelibus ad quos presentes  
 52 pervenerint, Cancellarius et universitas Cantebrienses singulique Magistri et Custodes ac Scholares cujuslibet Collegii dicte universitatis salutem in domino Noveritis nos unanimi assensu et consensu nostro, tractatu inter nos

Relees et  
Obligation.

A. D. 1382. prehabito diligenti, remisisse relaxasse et omnino pro nobis et successoribus nostris imperpetuum quietumclamasse Majori ville Cantebriege Ballivis Burgensibus et communitatibus singulisque personis dicte communitatis ejusdem ville Cantebriege heredibus et assignatis suis omnimodas acciones tam reales quam personales quas erga eos vel eorum aliquem habuimus habemus et quovis modo habere poterimus occasione cujuscumque recognicionis obligacionis transgressionis delicti scripti indenture seu alterius contractus cujuscumque a principio mundi usque in diem confeccionis presencium In cujus rei testimonium nos Cancellarius et Universitas predicta sigillum nostrum commune, ac nos Magistri et Custodes Collegiorum predictorum et scholares eorundem singuli videlicet sigilla nostra communia presentibus apposuimus Datum Cantebriege, die Lune proxima ante festum Apostolorum Philippi et Jacobi, Anno regni Regis Ricardi secundi post conquestum Anglie quarto. Et fait a remembrer qe celles deux lettres 53  
issint restitutes lues en parlement si furent elles par agard de parlement illoeqs cancellez et de tout cassez et adnullez par les causes dessus allegiez ; les quelles lettres issint cancellez demuront en filace entre les billes de cest parlement Et ce fait tantost apres si estoit une bille contiegnant certains articles mis avaunt en parlement encontre les Mair et Burgeis avaunt ditz en la forme qe sensuit. Fait a remembrer qe le samady proschein apres la feste 54  
de corps Crist lan du regne le Roi qorest quart les Baillifs et communaltee des burgeys de la ville de Canteburgge par ladvis et commune assent de eux et de leur Mair coillerent eux ensemble et chivacherent al hospital de Shengey et a la maison Thomas Haselden qest hors du dite ville de Canteburgge vij leukes et plus et la encontreront plusours traitours et enemys du Roi de ceux queux leveront encontre nostre Seigneur le Roi et sa Coroune en la Countee de Canteburgge et illoeqs conspireront ensemble les damages de souz escritz

Bille.

Item, mesme le jour a leur revenu a lostel les Mair  
Baillifs Burgeys et communaltee du dite ville firent une

solempne proclamation et cry et de un assent alerent <sup>A. D. 1382.</sup> jeske a Tolbothe du dite ville et illoeqes eslirent Jakes de Grancestre a lour Capitein et lui firent par manace du mort jurrer destre lour loial Capitain et gouvernour

Item, maintenant apres le Mair Baillifs burgeys et communaltee du dite ville dun acord et un assent firent le dit Jakes et Thomas son frere frankes burgeis du dite ville de Cantebrugge

Item, les Mair Baillifs Burgeys et communaltee du dite ville entour X de la Clokke le noet ensuant eux assemblerent al Tolbothe et illoeqes pristrent lour conseil et adonques firent un proclamation qe chescun homme se alerent al maison William Bedell de mesme la ville et la maison du dit William deussent debruser et destrure et si aucun purroit encounter ou trover le dit William dusse couper sa teste et surce les ditz Mair baillifs Burgeys et communaltee alerent al maison le dit William et sa dite maison illoeqes debruseront et destruerent et ses biens et chateux a grant value illoeqes trovez embleront et emporterunt

Item les Mair Baillifs burgeis et la Communaltee avaunt ditz alerent al Collage de corps Crist qest del fundacion de nostre tresexcellent Seignur de Lancastre et illoeqes les clos maisons des Scolers du dit College debruserunt et leurs chartres escritz liveres et autres munimentz et autres biens et chateux a graunt value la trovez pristrent et emporteront

Item la dymenge proschaine ensuant les ditz burgeys et communaltee ensemblerent en grauntz routes et chiva-cherent hors du dite Ville a les traitours et enemys du Roi du dit Countee et eux amesnerent au dite ville la ou ils ne furent hardiz aprocher la dite ville sil ne fust par assent des burgeis et communaltee du dite Ville

Item mesme le jour les Mair Baillifs burgeys et communaltee du dite ville compellerent les Maistres et scolers du dite universitee sur peyne de mort et destruccion de leurs maisons de renuncier toutes maneres des franchises et privileges a eux grauntez par quelconques Rois dengleterre



A. D. 1382, a comencement del mounde tanqe a celle jour et firent les ditz Maistres et escolers eux oultrement submettre souz les reules et governances des ditz burgeys a touz jours .

Item les ditz Mair Baillifs burgeis et communaltee compellerent par manace de mort les avaunt ditz Maistres et escolers de faire obligacions de grantz summes de paier as avaunt ditz Burgeys pur descharger chescun burgeis du dit ville sibien devers le Roi come devers qeconqe autre persone, de qeconqe recognicion ou obligacion faite a cause daucun contension ou debat en aucun temps en avaunt sourdez entre les ditz Maistres et escolers et les burgeys du dite ville ; et a eux firent par tiel duresce les ditz Maistres et escolers faire une general acquittance de touz maneres daccions reales et personeles ; la quele acquittance ency faite ensemble ove les obligacions suisdites furent baillez as Mair Baillifs et communaltee suisdites et furent mises en lour tresorie en sauf garde dycelles

Item les Mair baillifs Burgeis et communaltee suisdites compelleront par manace de mort les avaunt ditz Maistres et Escolers pur deliverer et bailler a eux lour Chartres et privileges et autres patentes enseallez souz le seal le Roi qorest grauntez au dite universitee ; les chartres privileges et lettres patentes les ditz Mair Baillifs burgeis et communaltee forsablement arderont en la fore du dite Ville ; et ove cutelles bastons et autres wepens les sealx des chartres et patentes suisdites dispitousement deraserent en despit de nostre Seigneur le Roi

Item apres qe les lettres patentes de nostre Seigneur le Roi furent envoiees au dite ville de Cantebrugge et illoeqes proclamez qe chescun homme sur la peine de forfaiture de vie et de membre et toutes autres choses qils purront forfaire se tiendrent en pees sanz ascuns congregacions ou conventicules ou autres affraies faire en aucune manere ; les avaunt ditz Mair baillifs burgeys et communaltes acoillez a eux grant nombre dautres traitours et enemys du Roi firent une grant proclamacion en un pree qest appelee Grenecroft qe est pres du dite ville de Cantebrugge ; et apres ce dun acord et un assent sen alerent a la Priorie de

Bernewell, et la le clos du dit Priorie illoques a fier de A. D. 1382.  
 guerre debruserent et grantz noumbres des arbres cressantz  
 illoques couperont et emporteront et autres grantz affraies  
 illoques firent

Item les ditz Mair baillifs burgeys et communaltee  
 apres la proclamacion faitz des dictes lettres patentes du  
 Roi come suisdit est les estatutz ordinances et plusours  
 autres evidences du dite universitee forceablement arderont  
 en contempt du Roi et encontre les lettres patentes  
 avaunt dites

- 55 Quelle bille lue en parlement en presence des ditz  
 Mair et Burgeys dit demandez estoit de eux depar le Roi,  
 sils savoient rienz dire ou alleggier pur eux pur quoy par  
 les causes comprises en la dite bille et autres causes a de-  
 clarer si meister est la franchise de leur ville quele ils  
 avoient del doun et grant des Rois dengleterre et de la  
 confirmacion nostre Seignur le Roi qorest ne dusse estre  
 pris en la main nostre dit Seignur come forfait Et les  
 ditz Mair et Burgeys prierent illoques pur dieu davoit  
 copie dicelle bille et conseil et temps davisement pur res-  
 56 pondre devant tielx Seignurs en si haute place Et  
 quant a la copie leur estoit dit par la Courte qe depuis  
 qils avoient oiez la bille, ce leur devoit suffire, qar par la  
 loy copie nent deussent avoir Et quant a conseil avoir  
 ce leur estoit grantez es articles en quelles conseil leur  
 estoit grantable tantseulement si tiel article y feust et  
 autrement nemye. Mais la dite Courte leur garnist qe  
 quant a present ils ne serroient mys a responce de chose  
 qe touche cryme ne dautre chose quant au present forsque  
 57 soulement de leur dite franchise come dit est Et sur  
 les ditz Mair et Burgeys respondirent par lour conseil et  
 plederent, qe ceste Courte nent doit avoir conissance ne  
 jurisdiction par certains lour resons alleggiez. mais a drain  
 lour estoit comandez de dire qils vorroient ou autrement  
 len ferroit juggement envers eux come ceux qi rienz ne  
 savoient dire Et ils firent rehercer certains matires de la  
 bille et faisantz leurs protestacion qils ne conurent qe la  
 bille contenoit aucune veritee; ils respondirent qe les

A. D. 1382. Mair Baillifs rautres bones gentz de leur ville ne firent unques rienz de les choses qe sont comprises en mesme la bille, nene procurerent estre fait par aucune voie nassen-  
teront a y celles, mais y firent la resistance qils purroient adonques. et disoient oultre qe quanqe y estoit fait si fust fait par les Traitours et malfaisours de les Contees de Essex Hertford et Kent, qi vindrent a leur ville en moelt oultrageouse multitude et avec eulx une certaine petite noubre des malfaisours et riotours de leur Ville les queux depuis par tant sont pris et mortz trestouz qils ont peu prendre et les autres sont fuiz le paiis Et issint ils distrent qe les Mair Baillifs et les autres bones gentz de Cantebrigge y sont quant a ce qe leur est surmis Innocentz et ny doivent reporter blasme ne defame A quoy fuist repliez depar le Roi qe voirs est qe illoeqes ad este grantez qe le dit Esmon nadgairs Mair avoit les ditz deux lettres en garde et voirs est qe celles ont este longement et voluntrivement detenuz par les ditz Burgeys a tiele guyse qe pur requeste mandement nautre rienz qe leur ent ad este fait ne les ont voluz deliverer tanqe ore qils furent a ce compellez come dessuis est dit paront et pur tant auxint qe le dit nadgairs mair et Baillifs si furent toutdys presentz avec les ditz malfaisours sur leurs ditz malfaitz aggreantz et rati-  
fiantz quanqe les ditz malurez gentz ainsi firent, semble clerement qils ne se purront excuser en veritee et par tant dit fuist expressement as ditz Burgeis qils elisoient a leur peril sils vorront ester sur leur dite responce finalement ou qils se vorront mettre en la grace le Roi ou pleder autre plee en leur dit excusacion. et surce les ditz Mair et Burgeis quant a leur dite franchise tansoulement, ils se submetterent haut et baas en la gracieuse ordonnance de nostre Seigneur le Roi a faire de celle franchise qe lui plect Toutes voies salvez as ditz Mair et Burgeys leur responce quant a toutes autres matires si pluis avant ils serront aresoncz par Vertu de quele submission nostre  
Seigneur le Roi del assent des Prelats et Seignurs en cest  
parlement fist seisir la dite franchise en sa main come  
forfait par les dites causes et puis pur tant qe la dite

ville ne demurroit sanz governaille; le Roi nostre Seignur A. D. 1832.  
 le Roi fist mettre la dite franchise entierment as Mair et  
 Burgeys a tenir pur un temps tanqe le Roi ent eust autre-  
 59 mento purveuz Et al drain, par ladvis des ditz Prelats  
 et Seignurs en ce parlement et pur tant qe sembloit qe  
 reson fuist qe yceulx Burgeys avoient en celle partie si  
 malement fait qils furent dignes de reporter par tant un  
 damage et reproche perpetuel et pensoient de lautre part  
 qe la ville de Cantebrigge si est une de les auciens villes  
 del roialme et principale ville del Countee de Cantebrigge  
 et pur tant nostre dit Seignur le Roi del assent avaunt dit  
 fist doner et comittre as Chancellor et Escolers de la dite  
 universitee la garde de lassize de payn vin et cervoise et  
 la conissance et punissementz d'icelles et auxint la garde  
 de lassize et del assaie et la surveue des mesures et poys  
 en la dite ville et les suburbs dicelles et auxint plein  
 poair denquere et conustre de toutes forstallaries et Regra-  
 teries et des chars et pessons sibien corrupus viciouses  
 et incompetens qe autres et de faire sur ce due punisse-  
 ment et auxint le governaille correccion et punissement  
 des ditz choses et dautres vitailles queconqes avec les  
 fins forfaitures et amerciementz provenantz dicelles<sup>1</sup> par  
 manere come le Chancellor et Escolers del universitee  
 doxenford les ont en leur ville et suburbs avaunt ditz,  
 a tenir del Roi nostre Seignur et de ses heirs pur touz  
 jours Rendant ent a nostre Seignur le Roi x livres par  
 60 an a son Eschequier et le remenant de toute la fran-  
 chise de la dite ville commist et donast as ditz Mair et  
 Baillifs a tenir del dit Roi et de ses heirs a touz jours  
 Rendant ent al dit Eschequier par an cent et une marz  
 quelles ils rendirent pardevaunt ceste forfaiture et outre  
 de novcle encrees quatre marz a touz jours.<sup>2</sup>

<sup>1</sup> As to fees receivable by the University on measures, process for bringing before the Chancellor's Court forestallers and other offenders, and the levying of fines imposed, see the next record 8 Ric. 2 (*infra*).

<sup>2</sup> The terms of this award were embodied in two charters, one of the 17th of February, 1383, to the University (Rot. Chart. 5 & 6 Ric. 2. No. 18) confirming the privileges granted by the award; and the other of the 1st of May, 1383.

ROT. PARL. 8<sup>o</sup> RIC. II. m. 9.<sup>1</sup>

A. D. 1384. Item cum quedam lites et discordie nuper inter Can- 11  
cellarium et Scholares Universitatis Cantebriaggiensis, et  
Majorem et Ballivos ejusdem ville super deputacione et  
deliberacione quarundam mensurarum videlicet busselli,  
dimidii busselli, et pek ac quorundam proficuorum inde  
proveniencium videlicet quatuor denariorum de bussello et  
de dimidio bussello et pek secundum ratam pro eo quod  
mensure et proficua predicta in carta et concessione  
domini Regis eisdem Cancellario et Scholaribus nuper inde  
factis clare non expressabantur suborte fuissent: dictus  
dominus Rex volens lites et discordias hujusmodi pacificare  
et sedare: de avisamento Prelatorum Procerum et Magna-  
tum sibi in presenti parlamento assistencium, intencionem  
suam in hac parte ex certa sciencia sua sic declaravit  
Videlicet quod deputacio et deliberacio busselli dimidii  
busselli et pek tam in feriis et mercatis quam in portu et  
omnibus aliis locis infra villam predictam et suburbia  
ejusdem, Ac eciam quatuor denarii de bussello hujusmodi  
et de dimidio bussello et pek secundum ratam percepti et  
percipiendi, qui quidem quatuor denarii per ipsum Majorem  
per nomen custume sive prestacionis indebite vendicabantur,  
necnon omnia alia proficua de mensuris illis proveniencia,  
ad ipsum Cancellarium et successores suos vigore et virtute  
carte et concessionis ipsius domini Regis predictarum a  
tempore confeccionis earundem pertinent et pertinere de-  
bent, quodque Major et Communitas dicte ville nullum jus  
sive titulum ad mensuras hujusmodi ibidem a tempore  
concessionis predictae deputandas aut deliberandas seu dictos  
quatuor denarios de bussello et de dimidio bussello et pek  
secundum ratam a tempore predicto percipiendos, ullatenus

1382, to the town (Rot. Chart. 5 & 6 Ric. 2. No. 20) restoring the residue of its privileges subject to the increase in the farm payable to the Exchequer.

For later confirmation of the charter granted to the University see 9 Hen. 6 (*supra*) and 13 Eliz. c. 29 (*supra*). The payment by the University of the £10 rent to the king was expressly preserved in the Act of Resumption 4 Edw. 4 (vol. 1, p. 49 (*supra*)).

<sup>1</sup> Vol. 3, p. 185 b of the printed edition of Rotuli Parliamentorum.

habuerunt. Et insuper cum in dicta carta domini Regis A. D. 1384. expressa non fit mencio per quem processum dictus Cancellarius et successores sui vel eorum vices gerentes homines dicte ville coram se venire facere possent ad inquisitiones de forstallatoribus et regratariis ac de defectibus victualium faciendas: dictus dominus Rex de avisamento predicto sic declaravit Videlicet quod Cancellarius sive Presidens dicte universitatis pro tempore existens, vel eorum vices gerentes summonere possint per ministros suos proprios homines dicte ville Cantebriggie et suburbiorum ejusdem per quos rei veritas melius sciri poterit ad veniendum et comparandum coram eis et ad presentandum per eorum sacramentum tam de forstallatoribus et regratariis ac carnibus et piscibus putridis viciosis et alias incompetentibus, quam de aliis victualibus, et eos qui coram ipsis per summonicionem hujusmodi venire recusaverint, punire per amerciamenta per ministros suos proprios levanda, Vel sicut Cancellarius et scholares universitatis Oxoniensis hactenus fecerunt et faciunt in presenti.<sup>1</sup>

<sup>1</sup> The privileges here declared to belong to the University were confirmed by letters patent of the 10th of December, 1384 (Rot. Pat. 8 Ric. 2. Pt. 2. m. 41). For later confirmation of these letters patent in Parliament see 9 Hen. 6 (*supra*) and 13 Eliz. c. 29 (*supra*).

## APPENDIX II

ORDINANCES OF THE LONG PARLIAMENT,  
AND ACTS OF PARLIAMENT, ORDINANCES, &c. OF THE COMMONWEALTH  
AND PROTECTORATE<sup>1</sup>

ANNO 1643. CAP. 4.

I *Aprill.* 1643.

A. D. 1643. An Ordinance of the Lords and Commons assembled in Parliament for sequestering notorious Delinquents Estates.

VII. Provided also, and be it further Ordained, that all and singular such Revenues, Rents, Issues, Fees, profits, summes of money, and allowances whatsoever, as have heretofore been, and now ought to be paid, disposed unto,

Colledges,  
Hospitals,  
Schools,  
&c.

<sup>1</sup> The Long Parliament after its breach with the king assumed the power of making laws, under the name of Ordinances, without the royal assent.

On the 6th of February, 1648-9, the House of Commons passed a resolution 'That the House of Peers in Parliament is useless and dangerous, and ought to be abolished: And that an Act be brought in to that Purpose'.

A bill was accordingly presented to and passed by the House of Commons alone (the House of Lords having ceased to sit after the passing of the above resolution), the purport of which was to substitute for the two houses of Parliament a single house, in which peers as well as commoners, if elected and qualified, should be capable of sitting as members (Anno 1648 Cap. 17. 19th March 1648-9). The existing House of Commons was not dissolved, but its constitution was treated as having been altered, and when vacancies occurred peers were allowed to take part in the elections, and in a few instances were elected and took their seats. The House continued in its orders to use its old style of 'the Commons in Parliament assembled', though no longer appropriate, until the 12th of October, 1649, when a resolution was passed definitely adopting the style of 'the Parliament'. The term 'Ordinance' was discarded and the term 'Act' used to designate the laws made by the single House. After the assumption of the Protectorate by Cromwell in 1653, he made with the consent of his Council several Ordinances, which were afterwards confirmed by the Parliament summoned by him in 1656. Two of these Ordinances and so much of the confirming Act as relates thereto are included in this Appendix.

The numeration by chapters is that of Scobell's *Collection of Acts and Ordinances of general Use made in the Long Parliament, &c.* 1640-1656, and is con-

or for the maintenance of any Colledge or Hospitall whose Revenues or any part thereof have not been employed for maintenance of the War against the Parliament, Grammar-Schoole, or Schollers, or for or towards the reparation of any Church, Chappell, Highway, Cawsey, Bridge, Schoole-house, or other charitable use, payable by any the Corporations or persons whose Estates are to be Sequestred by this Ordinance, which are chargeable upon, or ought to issue out of, or be paid for or in respect of their estates, lands, or possessions, or any of them, other then such delinquents as aforesaid, shall be, and continue to be paid, disposed, and allowed by the said Sequestrators, or any two or more of them, as they were and have been heretofore. Any thing in this present Ordinance to the contrary thereof, in any wise notwithstanding.

*Die Jovis, 10 August, 1643.*

An Ordinance of the Lords and Commons assembled in Parliament, for the speedy Raising and Impresting of men, for the Defence of the Kingdom.

Provided alwayes, That this Ordinance shall not extend to the Pressing of any Clergy-man, Scholler, or Student, in any of the Universities, Inns of Court, or Chancery, or houses of Law, or any the Trained-bands in any county, city or place, or of any person Rated in the last Subsidies granted by the Parliament, or the son of any person Rated at five Pounds Goods, or three pounds Lands, in the Subsidy Books; or of any person of the Rank or degree of an Esquire or upwards, or the son of any such person; or the son of the widow of any such person; or to the pressing of any person under the age of eighteen, or above the Age of Fifty; or of the Members, or Officers of either *House of Parliament*, or of the Meniall servants of the Members or

11.  
Exemption  
for Clergy-  
men,  
Scholars  
or Students  
in the Uni-  
versities,  
and others.

fined to Ordinances and Acts printed or abbreviated by him; his marginal summaries have also been adopted where available. The numbers of the sections have been added, and marginal summaries for Ordinances and Acts not printed by Scobell.



A. D. 1643. Officers of either of the said Houses, or any the Assistants of the Lords' House, or any of their Meniall servants ; or any the Inhabitants of the Isles of *Weight* or *Anglesey*, or Cinque Ports, or of any Marriner, Sea-man, or Fisherman.<sup>1</sup>

ANNO 1643. CAP. 17.

*Die Lunæ, 28 Augusti. 1643.*

An Ordinance of the Lords and Commons assembled in PARLIAMENT, For the utter Demolishing, removing and taking away of all *MONUMENTS* of *Superstition* or *Idolatry*.

[Section 1 orders the removal of altars, &c. from churches and chapels.]

II. And bee it further Ordain'd that all and every such removall of the said Altars, Tables of stone, Communion Tables, Tapers, Candlesticks and Basons, Crucifixes and crosses, Images and Pictures as aforesaid, taking away of the said Rayls, levelling of the said grounds, shall be done and performed, and the Walls, Windows, Grounds, and other places which shall be broken, impaired or altered by any the means aforesaid, shall be made up and repaired in good and sufficient manner, in all and every of the said Parish-churches or Chappels, or usuall places of publick Prayer belonging to any Parish, by the Church-warden, or Church-wardens of every such Parish for the time being respectively ; and in any Cathedrall or Collegiate Church or chappell, by the Dean or Sub-Dean, or other chiefe Officer of every such Church or Chappell for the time being ; And in the Universities, by the severall Heads and governors of every Colledge or Hall respectively ; And in the severall Innes of Court, by the *Benchers* and *Readers* of every of the same respectively, at the cost and charges of

II.  
Who shall  
repair the  
places, and  
at whose  
charge.

<sup>1</sup> Like exemption clauses, with variations not affecting the Universities, are contained in other Ordinances for impressing soldiers, e.g. those of 27 Feb., 1644, 10 June, 1645, 14 June, 1645, 17 Jan., 1648.

all and every such Person or persons, Body Politick or corporate, or Parishioners of every Parish respectively, to whom the charge of the repaire of any such Church, Chappell, Chancell, or place of publick Prayer, or other part of such Church or Chappell, or place of publick Prayer doth or shall belong: . . .

ANNO 1643. CAP. 19.

21. *Septemb.* 1643.

An Ordinance for the due and orderly receiving and collecting of the Kings, Queens, and Princes Revenue, and the arrears thereof.

Provided and be it further Ordained, That all and singular such Revenues, Rents, Issues, Fees, Profits and sums of money and allowances whatsoever, as have heretofore usually been, and now ought to be paid and disposed unto, or for the maintenance of any Colledge or Hospital (whose Revenues, or any part thereof, have not been employed for maintenance of the War against the Parliament) Grammar School, or Scholars, or for, or towards the reparation of any Church, Chappell, High-way, Causeway, Bridge, School-house, or other charitable use, which are chargeable upon, or ought to issue out of, or be paid for or in respect of any the Honours, Mannors, Lands, Tenements, or Hereditaments, Revenues or Profits aforesaid, shall be and continue to be paid, disposed, and allowed of, as they were and have been heretofore.

V.  
Colledges,  
Hospitals,  
Schools,  
&c., pro-  
vided for.

*Die Sabbathi, 6 Januarii, 1643.*

A Declaration of the Lords and Commons assembled in Parliament, concerning the Estates, Rents, and Revenues, belonging to all the Colledges and Halls, of the University of *Cambridge*.

A. D.  
1643. 4.

A. D.  
1643-4.

Estates of  
University  
and Col-  
leges of  
Cambridge  
not to be  
seques-  
trated.

Revenues  
payable to  
Heads,  
Fellows,  
&c., being  
Delin-  
quents,  
to be se-  
questrated.

W<sup>h</sup>ereas some doubt hath been made upon the late Ordinance for Sequestrations of the Estates, Rents, and Revenues, of some kind of Delinquents, whether the Estates, Rents, and Revenues, of the Colledges or Halls of the University of *Cambridge*, be sequestrable within the intent of the same Ordinances for any delinquency in any of the Heads or particular fellowes, or Schollars of them respectively: It is now Declared and Ordered, by the Lords and Commons Assembled in Parliament, That the Estate, Rents, and Revenues, of the said University, and of the Colledges and Halls respectively of the said University, are in no wise sequestrable, or to be seized on, or otherwise disposed of by vertue or colour of any of the said Ordinances: And that all and every the Estate, Rents, and Revenues, of the said University, and of all and every the said Colledges and Halls respectively, shall remaine and be to the same University, and the said Colledges and Halls to all intents and purposes, as if the said Ordinances, or any of them had not been made: And that all and every the Rents and Revenues, and other duties now or hereafter payable, or heretofore payable, (and yet not payd) respectively to the said University, Colledges or Halls respectively, in any County or place whatsoever, shall be payd to the Ordinary or usuall Receivers, or Treasurers (by what name soever they be called or knowne) of the said University Colledges, or Halls respectively, after such Receivers or Treasurers shall be approved by *Edward Earle of Manchester*, Serjeant Major Generall of the Parliaments Forces in the County of *Cambridge*, and the other associated Counties, to be imployed for the respective maintenance of the said University, Colledges and Halls, in such sort and manner, as if the said Ordinances or any of them had never been made: And yet nevertheless, it is further Declared and Ordered, by the Authority aforesaid, That the said Receivers, and Treasurers respectively, shall pay all and every part, portion, and dividend, which they have, or shall have respectively, of all and every the said Rents or Revenues, which part, portion, or dividend, shall be found to be, or to

have been due or payable to any Head, Fellow, Schollar, or Officer of the said University, or of any of the said Colledges or Halls, being, or which shall be, a Delinquent, within any of the said Ordinances for Sequestration, either to the Committee for Sequestrations sitting at *Cambridge*, or otherwise as it shall be Ordered by the said Earle of *Manchester*.

A. D.  
1643-4.

And it is also further Ordered by the Authority aforesaid, That if any such Receiver, or Treasurer of any Colledge or Hall aforesaid, shall be found to be, or to have been a Delinquent, within any of the said Ordinances, and shall be adjudged so to be by the said Earle of *Manchester*: That then the said Earle may from time to time remove such Receiver, or Treasurer, and choose some other, out of the Fellowes, and Schollars of that house, to, and for which house respectively such person Removed, was Receiver or Treasurer, and put him in the place of him so Removed; And that the Fellow or Schollar so chosen, and put in the place of him so Removed, shall execute to all Intents and Purposes, all and every the Acts and Duties, belonging to the place of Receiver or Treasurer respectively in the Colledge, or Hall, to, and for which he shall be chosen and appointed as aforesaid.

II.  
Delinquent  
Receivers  
or  
Treasurers  
of Colleges  
to be  
removed.

And it is lastly Declared, and Ordered, by the Authority aforesaid, That nothing in this present Order, shall be construed, taken, or interpreted, to exempt, free, or discharge any of the aforesaid Estates, Rents, or Revenues, from being liable to the payment of all or any weekly Assessments or other payments now Setled and Ordained, or hereafter to be Setled and imposed by any Ordinance of Parliament.

III.  
This Ordinance not to exempt Estates from Liability to Assessments made by Parliament.

ANNO 1643. CAP. 30.

*Die Lunæ, 22 Jan. 1643.*

An Ordinance for Regulating the University of CAMBRIDGE, and for removing of Scandalous Ministers in the seven Associated Counties.

A. D.  
1643-4.  
Preamble.

Earl of  
Manchester  
to appoint  
Com-  
mittees for  
each asso-  
ciated  
County.

Whereas many Complaints are made by the well-affected Inhabitants of the Associated Counties of *Essex, Norffolk, Suffolk, Hartford, Cambridge, Huntington,* and *Lincolne*, That the service of the Parliament is retarded, the Enemy strengthened, the peoples Soules starved, and their minds diverted from any care of Gods Cause, by their idle, ill-affected, and scandalous Clergy, of the University of *Cambridge*, and the Associated Counties; And that many that would give Evidence against such scandalous Ministers, are not able to travell to *London*, nor beare the charges of such a Journey: It is Ordained by the Lords and Commons Assembled in Parliament, That the Earle of *Manchester* shall appoint one or more Committees in every County, consisting of such as have been nominated Deputy-Lieutenants, or Committees by any former Ordinance of Parliament, in any of the said Associated Counties, every Committee to consist of ten, whereof any five or more of them to sit in any place or places within any the said associated Counties where the said Earle shall appoynt, with power to put in execution these Instructions following, and in pursuance thereof, to give assistance to the said Committees.

II.  
Com-  
mittees to  
take evi-  
dence, and  
report to  
the Earl of  
Man-  
chester,  
who is em-  
powered to  
eject Heads  
and Fel-  
lows of  
Colleges,  
Students of  
the Univer-  
sity, Mini-  
sters, and  
School-  
masters,  
sequester  
their  
estates, and

First, They shall have power to call before them, all Provosts, Masters, and Fellowes of Colledges, all Students, and Members of the University, and all Ministers in any County of the Association, and all Schoole-masters that are scandalous in their lives, or ill-affected to the Parliament, or Fomentors of this unnaturall Warre, or that shall wilfully refuse obedience to the Ordinances of Parliament, or that have deserted their ordinary places of residence, not being employed in the service of the King and Parliament. And they shall have power to send for any Witnesses, and examine any complaint or testimony against them, upon Oathes of such persons as shall and may be produced to give Evidence against them, and shall certifie their Names with the Charge and Proofes against them, to the said Earle of *Manchester*, and he shall have power to eject such as he shall judge unfit for their Places, and to sequester

their Estates, Means, and Revenues, and to dispose of them as he shall thinke fitting, and to place other fitting persons in their Roomes, such as shall be approved of by the Assembly of Divines sitting at *Westminster*. A. D. 1643-4. fill their places.

The Earle of *Manchester*, or the said Committee or Committees shall have power to administer the late Covenant, taken and to be taken of all the three Kingdoms, of *England*, *Scotland*, and *Ireland*, to all persons in any of the said Associated Counties, and the Isle of *Ely*, upon such Penalties as are or shall be assigned by the Parliament in this behalfe. III. The Earl and Committees to administer the Covenant.

And be it Ordained, That the said Earle of *Manchester* shall have power to dispose of a fifth part of all such Estates as they shall sequester, for the benefit of the Wives and Children of any of the aforesaid persons. IV. One fifth of sequestered estates applicable for wives and children.

[Section 5 provides for registration of orders, &c. made by the Committees.]

That the said Earle of *Manchester* shall have power to examine and inhibite all such as doe obstruct the Reformation now endeavoured by the Parliament and Assembly of Divines. VI. The Earl empowered to inhibit those who obstruct the Reformation.

[Section 7 provides that those executing the Act shall be indemnified.]

Section 8 empowers the Earl of Manchester to appoint a new Committee for the Association.]

ANNO 1644. CAP. 44.

*October* 16. 1644.

An Ordinance of the Lords and Commons assembled in Parliament, for an Assessment through the Kingdom of *England* and Dominion of *Wales*, for the present relief of the British Army in *IRELAND*. A. D. 1644.

[The Ordinance imposes a weekly assessment on the Counties and certain towns fixing the quota to be contributed by each.]

A. D. 1644.

II.  
Exemption  
for Cam-  
bridge  
University  
and Col-  
leges.

... Provided alwayes, That this Ordinance, nor any thing therein contained, extend not to charge the Universitie of *Cambridge*, nor any of the Colledges within the said Universitie, for and in regard of any Lands, Goodes, or Revenues belonging to the said Universitie or Colledges, or any of them; nor to charge any Master, Fellow or Schollar, of any of the said Colledges, or any Reader, Officer or Minister of the said University or Colledges, or any of them, for, and in regard of any stipend, wages or profit whatsoever, arising or growing due to them or any of them, in respect of their said several places and employments in the said Universitie, Any thing in this Ordinance to the contrary in any wise notwithstanding; . . .

*Die Fovis, 11. April. 1645.*

A. D. 1645. An Ordinance of the Lords and Commons assembled in Parliament, for Regulating the University of CAMBRIDGE, and for removing of Scandalous Ministers in the seven Associated Counties.

[This Ordinance repeats, verbatim except for immaterial variations in the enacting words of ss. 7 & 8, the Ordinance Anno 1643. Cap. 30 (*supra*).]

*Die Fovis, 11. April. 1645.*

An Ordinance of the Lords and Commons assembled in Parliament, for exempting the University of *Cambridge* from TAXATIONS.

Preamble.

W Hereas humble representation hath beene made to the Lords and Commons assembled in Parliament on the behalfe of the University of *Cambridge*, that the said University and the severall Colledges therein are brought to such necessity, by reason of the failing of their Rents  
 . (a great part whereof cannot be received in these times of

Anno 1645] *Cambridge University. Exemption  
from Taxes.*

Troubles and Distractions) as they shall<sup>a</sup> be altogether A. D. 1645.  
unable to support any longer the Students of the said  
Societies, unlesse they may be freed and exempted (accord-  
ing to their Charter and the indulgence of former Parlia-  
ments) from all Military Taxes and other contributions to  
the publik service, which are imposed by Ordinance of  
Parliament.

The said Lords and Commons taking the premises into  
consideration, and to the end they may give as much ease  
and reliefe as the times will beare to these eminent Schooles  
and Seminaries of Learning, for their better encourage-  
ment to continue their Studies with diligence for the  
publik benefit both of Church and Common-Wealth,  
think fit and Ordaine, and be it Ordained, That nothing  
contained in any Ordinance or Ordinances of Parliament for  
and concerning the imposing, leavying or paying of any  
Assessments, Taxes, and charges whatsoever, as well already  
made and charged as hereafter to be made and charged by  
vertue of any of the said Ordinances, shall be extended to  
charge the said University of *Cambridge*, or any of the  
Colledges or Halls within the said University, nor any the  
Rents and Revenues belonging to the said University or  
Colledges, or any of them; nor to charge any Master,  
Fellow or Schollar of any the said Colledges, nor any  
Reader, Officer or Minister of the said University or Col-  
ledges, or any of them, for and in regard of any Stipend,  
Wages or Profit whatsoever arising or growing due to them  
or any of them in respect of their said several places and  
employments in the said University, any thing in the said  
Ordinances, or any of them to the contrary in any wise  
notwithstanding.

And all the Assessors, Collectors and others whom this  
may concerne, are hereby required to take notice of this  
Ordinance.

Provided that the Tenants who enjoy Leases from the  
said University and Colledges respectively do claime no  
freedome, exception, or advantage by this Ordinance.

I.  
University  
of Cam-  
bridge and  
Colleges  
therein to  
be exempt  
from  
Assess-  
ments, in  
respect of  
their Rents  
and Sti-  
pends of  
their  
(Officers,  
&c.

II.  
Assessors,  
Collectors,  
and others  
to take  
notice.

III.  
Tenants  
not to pro-  
fit by  
exemption.



ANNO 1647. CAP. 74.  
*Die Sabbathi* 1. Maii. 1647.

A. D. 1647. AN Ordinance of the Lords and Commons assembled in Parliament, for the Visitation and Reformation of the University of *Oxford*, and the severall Colledges and Halls therein.

Names  
of the  
Visitors.

FOR the better Regulating and Reformation of the University of Oxford, and the several Colledges and Halls in the same; and for the due correction of offences, abuses, and disorders, especially of late time committed there: Be it ordained by the Lords and Commons assembled in Parliament, and by the Authority of the same, That Sir *Nathaniel Brent*, Master *Edward Corbet*, Master *John Pulixton* of the middle Temple, Master *Henry Wilkinson*, Master *William Prynne* of Lincolnes Inne, Master *William Typing*, Sir *William Cobb*, Master *George Greenwood*, Doctor *John Wilkinson*, Master *Edward Reynolds*, Master *Robert Harris*, Master *Francis Cheynell*, Master *John Packer*, Master *John Wilkinson*, Master *John Mills*, Master *Christopher Rogers*, Master *William Cope*, Master *Bartholomew Hall* of the middle Temple, Master *Thomas Knight* of Lincolnes Inne, Master *John Heling* of Grayes Inne, *William Draper*, *Gabriel Beck* of Lincolnes Inne, *John Cartwright*, and *Samuel Dunch* Esquires, shall be, and they and every of them are hereby appointed to be Visitors of the said University, and of all and every the said Colledges and Halls, And of all and every the Masters, Schollers, Fellowes, Members, and Officers of the said University, and of the said Colledges and Halls, and every of them respectively.

II.  
Their  
Powers.

And be it further ordained by the Authority aforesaid, That the said Visitors. or any five of them, may and shall visite the said University, Colledges, Halls, Masters, Schollers, Fellowes, Members, and Officers; and inquire of, and heare and determine all and every crimes, offences, abuses, disorders, and all other matters whatsoever, which by the Lawes and Statutes of this Realme, or by the

Customes or Statutes rightly established of the said University, or by the several Statutes of the said Colledges or Halls, or any of them respectively, may lawfully be inquired of, and heard, and determined in the course and way of Visitation of the said University, or of the said Colledges, Halls, Masters, Schollers, Fellowes, Members, and Officers, or of any of them respectively: And that they may and shall therein proceed to all intents and purposes, as, and according as by the said Lawes, Statutes, and Customes, or by any of them, any other Visitors, by any Authority whatsoever appointed, might proceed respectively.

And be it further Ordained by the Authority aforesaid, That the said Visitors, or any five of them, may inquire by Oath *viva voce*, to be taken before them respectively, of and concerning all the Masters, Schollers, Fellowes, and Officers of the respective foundations of all and every the said Halls and Colledges, and of all and every the Officers belonging to them, or to the said University, concerning those that neglect to take the Solemne League and Covenant, and the Negative Oath being tendred to them, by such as are authorized thereunto by Parliament; and likewise concerning those that oppose the execution of the Ordinances of Parliament concerning the Discipline and Directory, or shall not promote and cause the same to be put in execution, according to their several places and callings; And likewise concerning those that shall teach or write against any point of Doctrine, the ignorance whereof doth exclude from the Sacrament of the Lords Supper.

And be it also further ordained by the Authority aforesaid, That the said Visitors, or any five of them, may and shall inquire upon Oath *viva voce*, to be taken before them respectively, of all and every the Masters, Schollers, Fellowes, and Officers of the respective Foundations, of and concerning all and every of the said Halls and Colledges, and of all and every the Officers belonging to any of them, or to the said University, that have taken up, or been in Armes against the Parliament, or against any Forces raised

A. D. 1647. by Authority thereof, or that have been active in assisting or encouraging the Forces raised against the Parliament; and may and shall call all and every such person and Witnesses concerning the same before them respectively; and the same Witnesses, and any Witsnesse or Witnesses to be produced by the party accused of, or charged with any such offences put to their Oaths *Viva voce* concerning the Premises, and that they, or any five of them shall from time to time certifie to the Committee of Lords and Commons hereafter in this Ordinance appointed, what Masters, Schollers, Fellowes, Members, or Officers as aforesaid they find to have committed any of the said offences, and in what manner, and the especial quality and condition of the offenders; That so such further proceedings may be thereupon had, as to the said Committee of Lords and Commons shall be thought meet.

The Visitors to certify the names of offenders to the Committee hereinafter named.

V. Power to consider of Oaths enjoined by Statutes.

And be it ordained by the authority aforesaid, That the said Visitors shall have power, and are hereby authorized to Examine, and consider of all such Oathes as are enjoined by the Statutes of the said University, or of all or any of the respective Colledges and Halls in them, as are not fit to be taken, and to present their Opinions concerning the same to the Committee of Lords and Commons in this Ordinance named, to the end that such course may be therein taken as may be agreeable to the intended Reformation of the said University;

VI. Appeal from the Visitors sentence.

Provided alwaies, and it is further Ordained, That if any of the said Masters, Schollers, Fellowes, Members, or Officers, shall finde themselves grieved in, or upon any Sentence definitive given by the said Visitors, or any of them as aforesaid, that then it shall and may be lawfull to and for the Party so grieved, summarily by representing his Case, to appeale and seeke remedy and redresse thereupon before the said Committee of Lords and Commons, who are hereby authorized finally to heare and determine every such Case so brought to them by appeale, according as to Justice shal appertaine.

VII. Committee named for Appeals.

And it is further Ordained by the authority aforesaid; That *Algernon Earle of Northumberland, Henry Earle of*

Kent, *John Earle of Rutland, Philip Earle of Pembroke* and *Montgomery, Theophilus Earle of Lincolne, Charles Earl of Nottingham, James Earle of Suffolk, William Earle of Salisbury, Robert Earle of Warwick, Basil Earle of Denbigh, James Earle of Middlesex, Edward Earle of Manchester, Edmund Earle of Mulgrave, Henry Earle of Stamford, Walter Lord Viscount Hereford, William Lord Viscount Say and Seale, Charles Lord De la Warre, George Lord Berkley, Philip Lord Wharton, Francis Lord Willoughby, Dudley Lord North, John Lord Hunsden, William Lord Grey of Warke, John Lord Roberts, Edward Lord Howard of Escr. Thomas Lord Bruce, Members of the House of Peeres, And Sir Christopher Yelverton, Sir John Danvers, Mr. John Selden Mr. West, Mr. Francis Rous, Mr. John Crew, Sir William Lewes, Mr. Bulstrode Whitlocke, Sir Thomas Witherington, Mr. Poole. Sir Peter Wentworth, Colonell Leigh, Mr. Nathaniel Fiennes, Mr. Walter Long, Sir Philip Stapleton, Mr. William Wheeler, Mr. Swinfen, Mr. Samuel Browne, Mr. Nicholas Love, Sir William Brereton, Thomas Lord Wenman, James Fiennes Esquire, William Lenthal Esquire Speaker of the House of Commons, Denzell Holles Esquire, and Sir Robert Harley Knight of the Bath, Humphrey Sallaway Esquire, Mr. Lisle, Mr. John Lenthal, Sir Gilbert Gerrard, Mr. Scot, Sir Thomas Wroth, Mr. Doyly, Mr. Prideaux, Mr. Tate, Mr. Bond, Mr. Ashhurst, Mr. Bulckley, Mr. Kirle, Mr. Recorder, Mr. Martin, Sir John Burgoyne, Sir Thomas Dacres, Mr. Nicoll, Sir John Maynard, Mr. Gourdon, Mr. Grimston, Doctor Bond, Mr. Morley, Mr. Green, Mr. Reynolds, Mr. Grove, and Mr. Knightly, Members of the House of Commons, and every five of them shall be, and are hereby authorized to be a standing Committee, and to sit at such time and place as they respectively shall appoint, to receive upon appeale as aforesaid, such matters as shall be brought and represented to them: and thereupon summarily to proceed according as the justice of the Case requires and also to receive such matters as shall be as aforesaid certified to them, and thereupon to proceed.*

A. D. 1647. and determine according as they shall finde the quality and condition of the Cases and Persons so certified to them respectively. Provided also, that nothing contained in this Ordinance shall take away the Right and Authority of the Chancellor for the time being.

Right  
of the  
Chancellor  
saved.

## ANNO 1647. CAP. 104.

A. D. 1647-8. AN ORDINANCE OF THE LORDS and COMMONS assembled in Parliament, For the speedy dividing and settling the severall Counties of this Kingdom into distinct Classical Presbyteries, and Congregationall Elderships.

29 January 1647.

Who shall  
divide the  
Counties.

Divisions  
to be certi-  
fied.

Univer-  
sities.

THE Lords and Commons in this present Parliament Assembled, being resolved speedily and more effectually to settle the Presbyteriall Government, doe Ordaine, and be it Ordained by the Authority of the same; That the Committees and Commissioners for the sixty thousand pounds *per mensem*, or any three, or more of them of the severall Counties of this Kingdome, with the assistance of such Ministers and others as they shall think fit, doe forthwith meet, and divide their respective Counties into distinct Classicall Presbyteries where they are not already divided, and certifie such divisions of the said severall Classes, which they either have, or shall make to the Committee of Lords and Commons for judging of scandall; together with the names of such Ministers, and others as are fit to be of each Classis: And that the Chancellours, Vice-Chancellours, and Heads of the Universities, doe likewise consider how the Colledges may be put into Classicall Presbyteries, and doe before the twenty five of *March* next certifie the same up to the said Committee of Lords and Commons, according to the Ordinance of Parliament, dated the nineteenth of *August*, one thousand six hundred forty five; which Committee of Lords and Commons is required to approve and confirme the same as they shall thinke fit, immediatly upon receipt of such Certificate, after which said Appro-

bation of such Classicall Presbyteries, or any of them by the said Committee of Lords and Commons, the said Classicall Presbyteries shall, and hereby have power within their severall Precincts, to constitute Congregationall Elderships, according to the aforesaid Ordinance of the nineteenth of *August*, one thousand six hundred forty five.

A. D. 1647.  
Classical  
Presby-  
teries shall  
constitute  
Congrega-  
tional  
Elderships.

## ANNO 1649. CAP. 18.

AN ACT For Raising of Ninety thousand pounds *per Mensem*, For the Maintenance of the Forces raised by Authority of Parliament, for the Service of *England* and *Ireland*, For Six Moneths, from the 25<sup>th</sup> of *March*, 1649. to the 29<sup>th</sup> of *September*, 1649.

A. D. 1649.

Die Sabbathi, 7 April, 1649.

[Section 5 enables tenants to pay the assessments and deduct the amount from the rent.]

. . . Provided always, That nothing contained in this Act, shall be extended to charge either of the Universities, or any of the Colledges or Halls within the said Universities, or any the rents and revenues due and payable to the said Universities or Colledges, or any of them, nor to charge any Master, Fellow or Scholar of any the said Colledges, or any Reader, Officer or minister of the said Universities or Colledges, or any of them, for and in regard of any Stipend, Wages or Profit whatsoever, arising or growing due to them in respect of their said several places and employments in the said Universities: And that nothing in this Act contained, shall be extended to charge any of the Colledges of *Winchester*, *Eaton*, or *Westminster*, or any Hospital or Almshouse, or any Free-school, or any the rents and revenues due and payable to them, or any of them: And that the Tenant or Tenants of all and every the said Universities, Colledges, Halls, Hospitals, Almshouses and Free-schools respectively, shall be charged by

V.  
Proviso for  
Universi-  
ties, Col-  
leges, Win-  
chester,  
Eton, West-  
minster,  
Hospitals,  
Alms-  
houses, and  
Free  
Schools.

A. D. 1649. vertue of this Act, for so much onely as the Lands and Tenements held by the said Tenant or Tenants respectively is worth by the year, over and above Rent and Revenue therefore respectively due and payable to the said Universities, Colledges, Halls, Hospitals, and Almshouses, and Free-schools, or any of them respectively, Any thing in this present Act to the contrary in any wise notwithstanding.

## ANNO 1649. CAP. 24.

An Act of the Commons of *England* in Parliament assembled, For the Abolishing of Deans, Deans and Chapters, Canons, Prebends and other Offices and Titles of or belonging to any Cathedral or Collegiate Church or Chappel within ENGLAND and WALES. Die Lunæ 30 Aprilis 1649.

[Section 3 provides for the continued application to the same purposes of revenues of ecclesiastical bodies applicable to maintenance of grammar schools, highways, bridges, &c.]

This Act . . . Provided also, That this Act, nor any thing therein not to extend to any Colledge, Church, Corporation, Foundation, or House of Learning in either of the Universities within this Commonwealth; Nor to the Corporation of *Christs Church* in *Oxford*, of *Henry* the Eighth's Foundation; Nor to any Manors, Lands, Tenements and Hereditaments thereunto belonging; Nor to the Revenues of any publique Professor or Reader in either of the Universities; Nor to the Foundation of any of the Schools of *Westminster*, *Winchester* or *Eaton*.

## ANNO 1649. CAP. 31.

AN ACT for providing maintenance for Preaching-Ministers, and other Pious Uses.

Die Veneris, 8 Junii, 1649.

[Section 1 vests in trustees appropriate tithes, oblations and Obventions of Bishops, &c. A. D. 1649.

Section 2 vests in the same trustees the First Fruits and Tenths on trust in the first place that eighteen thousand pounds (part of twenty thousand pounds) per annum should be applied for salaries of Preaching Ministers and Schoolmasters.]

. . . And also that Two thousand pounds *per annum* of the said Twenty thousand pounds, shall be disposed, employed and paid for encrease of the maintenance of the Masterships of Colledges in both Universities of this Nation, where maintenance is not sufficient. . . .

II.  
2000  
pounds *per*  
*annum*,  
to be im-  
ployed for  
increase of  
the Master-  
ships of  
Colledges.

[Section 5 provides that if the First Fruits and Tenth, are insufficient to provide twenty thousand pounds, the amount shall be made up out of the Exchequer.]

ANNO 1649. CAP. 60.

AN ACT against Unlicensed and Scandalous Books and Pamphlets, And for better regulating of PRINTING. Die Jovis, 20 Septembr. 1649.

[The Act provides for the punishment of those who publish scandalous and libellous books, or books not licensed by the clerk of the Parliament or officer appointed by the Council of State. The Stationers Company are to enforce the law and bring offenders to justice.]

And whereas the great numbers of lewd and scandalous Pamphlets and seditious Books, have been chiefly occasioned by the multitude of Printing-houses, and Presses erected in by-places and corners, out of the Eye of Government, contrary to the custom and practice of former times; and in that regard some further provision is held requisite for restraining and regulating that general excess and exercise of the Press, and prevention of the said Enormities.

IX.



A. D. 1649. It is therefore further Enacted and Ordained by this present Parliatnent, and by the Authority thereof, That no Printer, nor any person or persons whatsoever, shall from henceforth print, use or imploy any Printing-press, Rolling-press, or any other Instruments for Printing, in any part or place of this Commonwealth, save onely in the City of *London* and Liberties thereof, and the two Universities (excepting such as shall be particularly Licensed and authorized by special Order of the Council of State) upon pain that all and every person and persons offending contrary hereunto, shall forfeit and pay the sum of Twenty pounds, and shall have all their Printing-presses, Letters and Materials defaced, and be for ever disabled to be a Master Printer, and Owner of a Printing-Press : Provided, That this Clause shall not be construed to extend to the Printing-press now used in the City of *York*, nor to the Printing-press now used in *Finsbury*, for the Printing of Bibles and Psalms; but that the same shall be in like condition to all purposes, as if this Act had not been had or made.

Exception  
for *York*  
and *Fins-*  
*bury*.

- X. And be it further Enacted by the Authority aforesaid, That all and every Printer, or other person or persons whatsoever in the said City of *London*, who now keep Printing-houses, or are Owners of Printing-presses, Rolling-presses or other Instruments for Printing; as also the Owners of the Printing-press in *Finsbury* aforesaid, shall before the First day of *October*, One thousand six hundred forty nine, enter into Bond, with two Sureties, of Three hundred pounds penalty to the *Keepers of the Libertie of England by Authority of Parliament*, Not to print, nor cause to be printed, any seditious, scandalous or treasonable Pamphlet, Paper, Book or Picture, dishonorable to, or against the State and Government; nor any Pamphlet, Paper or Book of News, not Licensed as aforesaid, and entred in the Register Book of the said Company, nor suffer their Printing-presses, or other Instruments for Printing, to be used for any such unlawful purpose as aforesaid; and that he and they shall also to every Book, Pamphlet,

Printers to  
enter Bond  
of 300*l*.

Paper or Picture he or they shall imprint, in the Title-page of each Book prefix the Authors name, with his quality and place of Residence, or at least the Licensers names where Licenses are required, and his own Name and place of Residence at length, upon pain to forfeit the sum of Ten pounds for every wilful failing, and to have all his or their Printing materials defaced; and for the second Offence, to be disabled from any more exercise of his Trade of Printing: And that like caution shall be given by the Owner of the Press at *York*, to the *Keepers of the Liberty of England* as aforesaid, and by the Printers within either University, to the said *Keepers of the Liberties of England*, in like sum, and for like purposes, and upon like penalties for failing, as is herein lastly mentioned, whereof the especial care to see the same performed within the time last before limited, is especially commended to the Lord Major of *York*, and to the said Vice-Chancellors respectively, of which they are under their Hands and Seals to make Certificate to the Council of State, before the Tenth day of *October*, One thousand six hundred forty nine.

A. D. 1649.  
Author or  
Licensers  
name to be  
prefixed.

Resolves of Parliament Touching the Subscribing to an ENGAGEMENT, by or before the First of *January* next; and the Names of Refusers or Neglecters to be returned to the Parliament.<sup>1</sup>

*Die Jovis, 11 Octobr. 1649.*

*Resolv'd upon the Question by the Parliament,*

That every Member that now doth, or shall at any time hereafter Sit in this House, shall Subscribe his Name to this Engagement; (viz.)

I do Declare and Promise, That I will be true and faithful to the Commonwealth of *England*, as the same is now Established, without a King or House of Lords.

The Eng-  
agement.

<sup>1</sup> These 'Resolves' were repealed by an Ordinance of the Protector and his council of the 19th Jan. 1653, which was confirmed by Act Anno 1656. Cap. 10 (*infra*).

A. D., 1649.

Die Veneris, 12 Octobr. 1649.

Heads and  
Fellows of  
Colleges,  
Graduates  
and Offi-  
cers of the  
Univer-  
sities to  
subscribe  
the En-  
gagement.

*Ordered by the Parliament, That the Committees for Regulating the Universities of Oxford and Cambridge, do cause all the Heads of Houses, Colledges and Halls, and all Fellows of Houses in the several Universities; and all Graduates and Officers that are or shall be of and in the said Universities, or either of them, to Subscribe the said Engagement: And that from henceforth no person be admitted to take any Degree, or bear any Office in either of the said Universities, before he hath Subscribed the same.*

Also  
Heads, Fel-  
lows and  
School-  
masters of  
Eton, Win-  
chester,  
and West-  
minster.

*Ordered by the Parliament, That all and every the Masters, Fellows and Schoolmasters, in all and every the Colledges of Eaton, Winchester and Westminster, do Subscribe the same Engagement.*

ANNO 1649. CAP. 64.

AN ACT FOR AN ASSESSMENT FOR SIX MONETHS, From the Five and twentieth of December, 1649. for Maintenance of the Forces Raised by Authority of Parliament For the Service of *England* and *Ireland*, at the Rate of Ninety thousand pounds *per* Mensem for the first three Moneths, And at the Rate of Threescore thousand pounds for the last three Moneths.

Die Veneris, 7<sup>o</sup> Decembr. 1649.

[Section 6 contains a proviso for the Universities, Colleges, &c., which is practically *verbatim* the same as that in Cap. 18 (*supra*), after which is the following proviso.]

VI.  
Account of  
College  
and other

. . . Provided also, That the Commissioners of the respective Counties, Cities and places in this Act mentioned, do cause a true particular accompt of all the Colledge-

Lands and places exempted in the respective places for A. D. 1649.  
 which they are by this Act mentioned Commissioners, to exempted  
 be speedily sent up unto the Committee for the Army, Lands to  
 attested under the hands of the respective Receivers for be sent to  
 the said Colledges and places exempted; in which accompt the Com-  
 the said Receivers shall respectively certifie unto the said mittee for  
 Committee, the true value of all the old Rents of the said  
 Colledges and exempted places in the respective Counties,  
 Cities and places, that so the defalkations for the same  
 may be rectified and ascertained for the future.

## ANNO 1650. CAP. 5.

AN Additional Act for providing Maintenance for A. D. 1650.

Ministers and other Pious Uses.

*Die Veneris, 5<sup>o</sup> Aprilis, 1650.*

[The Act confirms the title of the Trustees to whom the  
 Estates of Deans and Chapters, &c., had been trans-  
 ferred, and gives fresh powers and directions to and  
 with regard to them.]

And to the end that Two thousand pounds a year given IV.  
 for the increase of the maintenance of the Masters and 2000*l.* per  
 Heads of Houses in the respective Universities within this annum, to  
 Nation, by the said Act, entituled, *An Act for providing* the Masters  
*Maintenance for Preaching Ministers, and other Pious Uses,* and Heads  
 be distributed according to the intent of the said Act<sup>1</sup>; Be of Houses  
 it Enacted and Ordained, That the said Trustees, or any in the  
 five or more of them, do and shall from time to time pay Univer-  
 out the said Two thousand pounds a year for the ends sities.  
 aforesaid, according to such Orders and Proportions as  
 they shall receive from the Committee of Parliament for  
 regulating the said Universities; in which the said Com-  
 mittee are to have regard unto the number of Houses of  
 Learning in each University, that are fit to have an increase  
 of maintenance, and to make an Assignment of mainten-

<sup>1</sup> Anno 1649, Cap. 31 (*supra*).

A. D. 1650. ane unto them accordingly ; Provided it do not exceed One hundred pounds *per annum* to any one of them.

V.  
80l. *per*  
*annum* to  
the *Margaret*  
Lec-  
turer of  
*Oxford*.

And be it further Enacted, That the said Trustees, or any five or more of them, and the Survivors and Survivor of them, do and shall pay unto the *Margaret* Lecturer of *Oxford* for the time being, out of the present Rents, Issues and Profits of the premises, vested in them the said Trustees, Fourscore pounds *per annum* half yearly, for the maintenance of the Divinity Lecture, commonly called the *Margaret* Lecture, in lieu and satisfaction of a Dividend the said Lecturer had as Prebend of the Cathedral Church of *Worcester*.<sup>1</sup>

XI. And to the end that there may be a due and just distribution of the aforesaid Rents and Revenues for the maintenance of Preaching Ministers, and other the Pious Uses hereby, and by the aforesaid Act, entitled, *An Act for maintenance of Preaching Ministers, and other pious uses*, intended, Be it further Enacted and Ordained, That the Committee for regulating the Universities of *Oxford* and *Cambridge*, shall be, and are hereby appointed a Committee to receive what former Augmentations and Allowances have been granted by the Parliament, or any authority derived from them, to any Minister, Lecturer or Schoolmaster ; and where they or any five or more of them shall finde any augmentations or allowance granted to any person or persons not deserving the same, or where there is a convenient maintenance otherwise or where the augmentation is too great, in such cases to make such abatements or discharge of the said augmentations or allowances respectively, from and after the 24<sup>th</sup> of *June*, One thousand six hundred and fifty, as they the said Committee, or any five or more of them shall think fit ; and to give unto the said Trustees such Rules and Directions, after what rate and proportion they shall grant any further augmentations or allowance to and for the maintenance of

Committee  
appointed.

Their  
power.

<sup>1</sup> As to the annexation to Lady Margaret's Professorship of the prebend referred to, and its exchange for a canonry of Christ Church see 3 & 4 Vict. c. 113. s. 5 and note thereto (*supra*).

Preaching Ministers and Schoolmasters, within such Towns, A. D. 1650. Parishes and Chappellries which shall stand in need of the same, as they the said Committee, or any five or more of them shall think fit and requisite; which the said Trustees are thereupon required to augment and allow accordingly, out of the accrewing Rents and Revenues hereby, and by the aforesaid Act in them vested as aforesaid; and to allow such Fees and Salaries to the respective Officers employed by the said Trustees, or any five or more of them; and also such other incident charges and expences beforementioned, as they the said Committee, or any five or more of them shall think fit.

Provided also, That this Act, nor anything therein contained, shall extend to any Colledge, Church, Corporation, XIV. Colledges, Churches, &c. excepted. Foundation or House of Learning in either of the Universities within this Commonwealth; Nor to the Revenues of any publique Professor or Reader in either of the said Universities, that are not provided for by this Act; Nor to the Foundation of the Schools of *Winchester* or *Eaton*.

## ANNO 1650. CAP. 12.

AN ACT FOR AN ASSESSMENT For Six Moneths, From the Four and twentieth day of *June*, 1650. for the Maintenance of the Forces raised by Authority of Parliament, for the Service of ENGLAND & IRELAND, At the Rate of Ninety thousand pounds *per Mensem* for the first three Moneths, and at the Rate of Threescore thousand pounds *per Mensem* for the last three Moneths thereof.

Die Martis, 21 Maii, 1650.

Provided always, That nothing contained in this Act, shall be extended to charge any Master, Fellow or Scholer of any Colledge in either of the Universities, or in the Colledges of *Winchester*, *Eaton* or *Westminster*, or any other Free-Schools, or any Reader, Officer or Minister of the X. Proviso for Universities and Colledges, Winchester,

A. D. 1650. said Universities or Colledges, or in any Hospital or Alms-house, or or in regard of any stipend, Wages or Profit whatsoever, arising or growing due to them in respect of their said several places and imployments in the said Universities, Colledges, Schools, Hospitals or Alms-houses, Any thing in the present Act to the contrary in any wise notwithstanding.

## ANNO 1650. CAP. 38.

AN ACT For Raising of One hundred and twenty thousand pounds *per Mensem* for Four Moneths, To commence the Five and twentieth of *December*, 1650. For Maintenance of the Forces in ENGLAND, IRELAND and SCOTLAND, Raised by Authority of PARLIAMENT for the Service of this Commonwealth.<sup>1</sup> Die Martis, 26 Novembr. 1650.

IV.  
Proviso for  
Universi-  
ties and  
Colleges,  
&c.

Provided also, That nothing contained in this Act, shall be extended to charge any Master, Fellow or Schollar of any Colledge in either of the Universities, or in the Colledges of *Winchester, Eaton or Westminster*, or any other Free-Schools; or any Reader, Officer or Minister of the said Universities, Colledges or Schools; or of any Hospital or Alms-house, for or in regard of any Stipend, Wages or Profit whatsoever, arising or growing due to them in respect of their said several Places and Imployments in the said Universities, Colledges, Schools, Hospitals or Alms-houses; nor to charge any of the Houses or Lands belonging to *Christ's-Hospital, Bartholomew, Bridewel, Thomas, and Bethlchem-Hospitals*,<sup>2</sup> in the City of *London* and Borough

<sup>1</sup> The assessments were continued for successive periods of three months each subject to the same rules by Acts of 15 Apr. and 1 Sept. 1651. Similar clauses of exemption are contained in Acts of 19 Dec. 1651, 15 June 1652, 10 Dec. 1652, and 1656 Cap. 12, and the assessments under the last Act were continued for three years subject to the same rules by the Act 1656 Cap. 25.

<sup>2</sup> By an ordinance of the Lords and Commons of the 16th Nov. 1644 the rents and revenues of the Hospitals of St. Bartholomew, Bridewell, St. Thomas, and Bethlem were exempted from all assessment by the Parliament, past and future.

Anno 1650]

*Assessment.*

[Cap. 38

of *Southwark*, or any of them, for or in respect of any Rents A. D. 1650.  
or Revenues payable to the said Hospitals, being to be  
received and disbursed for the immediate use and relief of  
the Poor in the same Hospitals.

ANNO 1651. CAP. 6.

AN ACT FOR THE Impresting of Soldiers For the A. D. 1651.  
Service of the Commonwealth in IRELAND.

*Friday, 18th of April, 1651.*

Provided always, That this Act shall not extend to the Pressing of any Minister of the Word of God ; Nor of any Schollar or Student in any of the Universities, Inns of Court or Chancery ; or of any person Rated either for Lands or Goods, by vertue of an Act of Parliament of the Twenty sixth day of *November* last past, Entituled, *An Act for an Assessment for Four Months, from the Twenty fifth of December, One thousand six hundred fifty, for the Maintenance of the Forces Raised by Authority of Parliament for the Service of England, Ireland and Scotland* ; or of any person of the Rank or Degree of an Esquire or upwards, or of the Son of any such person ; or to the Pressing of any person under the Age of Eighteen, or above the Age of Fifty ; or of any the Officers of Parliament, or of any of the menial Servants of any Members or Officers of Parliament ; or of any Marriner, Seaman or Waterman.

Exemption for Clergymen, Scholars or Students in the Universities, and others.

ANNO 1652. CAP. 34.

AN ACT FOR REVIVING of a former Act, Entituled, *An Act against Unlicensed and Scandalous Books and Pamphlets, and for better Regulating of Printing* ; With some ADDITIONS and EXPLANATIONS. A. D. 1652-3.  
*Friday, the 7th of January, 1652.*



A. D.  
1652-3.  
X.  
Privileges  
of the  
University-  
Printers  
not to be  
infringed.

Provided always, and be it further Enacted by the Authority aforesaid, That no Clause or Clauses, either in this or the said Recited Act of *September*,<sup>2</sup> One thousand six hundred forty and nine, shall be Construed to extend to the Prejudice or Infringing of any of the just Rights and Priviledges of any of the Printers of either of the two Universities in this Commonwealth; But that the same shall be full as large and effectual to all Intents and Purposes, as if this and the said Recited Act of *September*, One thousand six hundred forty and nine, had not been had or made.

## ANNO 1653. CAP. 20.

A. D.  
1653-4.

An Ordinance for setling and confirming of the Manors of *Framlingham*, and *Saxtead*, in the County of *Suffolk*, and the Lands, Tenements and Hereditaments thereunto belonging, devised, by Sir *Robert Hitcham* Knight and late Serjant at Law, to certain charitable Uses.

*Monday, March 20. 1653.*

[This ordinance, which concerns property devised to the Master and Fellows of Pembroke Hall, Cambridge, partly for their own benefit and partly on trust for certain charitable purposes, was confirmed by the Act (Anno 1656 c. 10 (*infra*)). It is printed in the Appendix to the History of Framlingham by Thomas Hawes 1798. In 1662 a bill was brought in to confirm and settle the title to the lands devised, but was opposed by the Earl of Suffolk and not passed (11 Journals H. L. 433, 435, 437). The College, however, in the same year obtained a licence authorizing them to hold the lands in mortmain.

A scheme of the Charity Commissioners for the regulation of Sir Robert Hitcham's Charity was confirmed by 26 & 27 Vict. c. 58.]

Anno 1654]

*Visitation of Universities.*

ANNO 1654.

An Ordinance For appointing Visitors for the Universities.<sup>1</sup> A. D. 1654.  
2 Sept. 1654.

Whereas the carrying on and perfecting of the Reformation and Regulation of the Universities of this Land, is a work very much conducing to the Glory of God, and the Publique Good, for want of which many inconveniences and evils do and cannot but ensue, Be it therefore Ordained by his Highness the Lord Protector, by and with the Consent of his Council, That the Vice-Chancellor of the University of *Oxford* Commissioners for visiting the University of *Oxford* for the time being, *William* Viscount *Say* and *Seale*, *Nathanael Fiennes* Esquire, Sir *Charls Wolseley* Baronet, *Humphrey Mackworth* Esquire, *Bulstrode Whitelock* one of the Lords Commissioners of the Great Seal, *Samuel Dunch* Esquire, Sir *John Dreydon*, *Richard Ingoldesby*, *John Crew*, *George Flectwood*, *John Bright*, *Jenkinson*, and *Greenfield* Esquires; Doctor *Robert Harris*, President of Trinity Colledge; Doctor *Christopher Rogers*, Principal of New Inne Hall; Doctor *Thomas Goodwin*, President of *Magdalen* Colledge; Doctor *John Owen*, Dean of *Christ Church*; Doctor *Henry Wilkinson*, the Lady *Margarets* Professor of Divinity; Doctor *Peter French*, Prebendary of *Christ Church*; Doctor *John Couant*, Rector of *Exeter* Colledge; Doctor *Jonathan Goddard*, Warden of *Merton* Colledge; Mr. *Thankful Owen*, President of *St. John's* Colledge; Master *Stephens*, Principal of *Hart Hall*; Master *James Baron* of *Magdalen* Colledge; and Master *Francis Howell*, Fellow of *Exeter* Colledge; or any seven or more of them, be and they are hereby Constituted and Ordained Commissioners for visiting the said University. And the Vice-Chancellor of the University of *Cambridge* for the time being, the Lord *Henry Cromwel*, *Henry Lawrence*; Lord President of His Highness Council; *John Lambert* Esquire, *John Disbrow* Esquire, Sir *Gilbert Pickering*, Colonel

<sup>1</sup> This ordinance was confirmed by Act Anno 1656. Cap. 10.

A. D. 1654. *Edward Mountague, Francis Rous, Esquires; Oliver St. John, Lord Chief Justice of the Common Pleas; John Thurloe, Robert Castle, Thomas Bendish, Robert Vinter, Griffith Lloyd, Esquires; Sir William Strickland, Doctor Anthony Tuckney, Master of St. John's Colledge; Doctor John Arrowsmith, Master of Trinity Colledge; Doctor Horton, President of Queens Colledge; Doctor Samuel Bolton, Master of Christs Colledge; Doctor Lazarus Seaman, Master of Peter-house; Doctor John Lightfoot, Master of Katherine Hall; Master John Sadler, Master of Magdalen Colledge; Doctor Whitchcott, Doctor Cudworth, Master Worthington, Master of Jesus Colledge; Master Dillingham, Master of Emanuel Colledge; Master Simpson, Master of Pembroke Hall; Master Templar, Fellow of Trinity Colledge; Master Mowbrey, Fellow of St. John's Colledge; Master William Moses, Fellow of Pembroke Hall; Master Wood, Fellow of Magdalen Colledge; or any seven or more of them, be and they are hereby Constituted and Ordained Commissioners for the visiting the said University, and all Colledges and Halls within the said Universities; and all Governors, Masters, Presidents, Principals, Provosts, Professors, Fellows, Graduates, Students, Scholars, or other Members and Officers of the said Universities, and of all and every the said Colledges and Halls; and shall have, use and exercise all and every the like Powers, Authorities and Jurisdictions, as any person or persons heretofore appointed Visitors of either of the said Universities, or of any Colledge or Colledges, Hall or Halls within the same, or which any Visitor or Visitors now have, or heretofore had and lawfully used and exercised by force or virtue of any Law, Statute, Ordinance, Custom, Commission, Patent or Foundation, of any Colledge or Hall respectively; and to proceed in the execution thereof as fully and amply as any Visitor or Visitors may or ought to do, or have done to all intents and purposes; And that all and every act and acts, thing and things which shall be done by the said Commissioners before-named, or any seven or more of them, according to or in pursuance of the Powers and Authorities aforesaid,*

These Commissioners shall exercise the like powers as any former Visitors.

shall be as good, effectual and of as full force, as if the same A. D. 1654.  
had been acted or done by such Visitor or Visitors.

And be it further Ordained by the Authority aforesaid, II.  
That the Commissioners before-named, or any seven or more  
of them respectively for each University, calling to their  
assistance such person and persons as they shall think fit,  
shall consider of the best ways and means for the well Order-  
ing, Regulation and good Government of the said Universi-  
ties respectively, and of the Colledges and Halls therein, for  
the better Advancement, Countenance and Encouragement  
of Piety and Learning in the said Universities, and shall  
examine what Statutes of the said Universities, or of the  
said Colledges and Halls respectively, or what of them are  
fit to be taken away, abrogated or altered, and what is fit to  
be added for the better Ordering and Government of each of  
the said Universities respectively in general, and the several  
Colledges and Halls within the said Universities in particular  
in matters of Religion, Maners, Discipline, and Exercises,  
and shall exhibite the same to His Highness and the  
Parliament.

Power to consider of the best ways for Regulating and well Governing the Universities.  
To examine what Statutes are fit to be abrogated, altered or added, and exhibit the same to His Highness and the Parliament.

And be it further Ordained by the Authority aforesaid, III.  
That in the mean time the Commissioners before-named,  
or any seven or more of them for each University respec-  
tively, shall have power, and are hereby authorized to  
explain such Statutes of any of the said Colledges or Halls,  
as being ambiguous or obscure shall be offered unto them  
for that purpose; As also to hear, examine, decide and  
determine all and every such Controversie and Controversies  
by or upon any Appeal or Appeals, which shall be brought  
before them by any person or persons being a Member of  
the said University, or of any Students or Scholars within  
the same, or any of the said Colledges or Halls which are  
not clearly determinable by the Statutes of such respective  
Colledge or Hall, or of the said Universities respectively;  
And that all and every such Determination of the said Com-  
missioners, or any seven or more of them as aforesaid, shall  
stand and be, and shall be reputed and adjudged to be valid  
and in full force, and to be obeyed accordingly. And all

Power to explain such Statutes as are ambiguous or obscure.  
To determine Appeals.

A. D. 1654. **Sheriffs, Majors, Justices of Peace, and other Ministers of Justice, are hereby required to be ayding and assisting to the said Commissioners in the due execution of the premises.**

Sheriffs and other Ministers of Justice to be assisting to them.

IV.

And it is further Ordained by the Authority aforesaid, That the said Visitors, or any seven or more of them for each University respectively, are hereby impowered to finde out and setle some equal and just way of competent Allowances to their Register and Mandatory for their attendance and pains during the time of their Visitation.

V.

Visitors for the School of Westminster.

Visitors for Winchester School and Merchant-Taylors School.

Visitors for Eaton Colledge and School.

They shall have the like powers as any Visitor hath by the Statutes.

And be it further Ordained by the Authority aforesaid, That the said Visitors for both the said Universities, or any four or more of them, whereof two at the least to be Visitors of each University, be and are hereby appointed to be Visitors of the School of *Westminster*; And that the said Visitors of the said University of *Oxon*, or any four or more of them, be and are hereby appointed to be Visitors of the Colledge and School of *Winchester* and of Merchant-Taylors School *London*: And that the said Visitors for the University of *Cambridge*, or any four or more of them, be and are hereby Constituted and Appointed to be Visitors of the Colledge and School of *Eaton*, and of the Masters, Fellows and Scholars in the said respective Colledges and Schools, and are hereby authorized to put in execution all and every the Powers and Authorities heretofore given or granted to any Visitor or Visitors of the said Schools and Colledges respectively, or any of them, by any Statutes of the said Colledges or Schools; and to consider of any Statutes of the said Colledges and Schools, which are fit to be taken away and abrogated, and of such other Statutes as are fit to be made for the well Ordering and Governing of the said Colledges and Schools respectively, for the better advancement of Piety, Learning and good Nurture in the said Colledges and Schools, and present the same to be approved as aforesaid.

ANNO 1656. CAP. 10.

AN ACT AND DECLARATION Touching several Acts and Ordinances Made since the Twentieth of *April* 1653. and before the Third of *September* 1654. and other Acts, &c.

WHereas since the Twentieth day of *April*, One thousand six hundred fifty three, in the great Exigences and Necessities of these Nations, divers Acts and Ordinances have been made without the Consent of the People assembled in Parliament, which is not according to the Fundamental Lawes of the Nations, and the Rights of the people, and is not for the future to be drawn into example, yet the Actings thereupon tending to the Settlement of the Estates of several persons and Families, and the peace and quiet of the Nations ; Be it Enacted by His Highness the Lord Protector and this present Parliament, And it is hereby Enacted and Declared by the Authority of the same ; That one Ordinance made in the year 1653. Entituled, *An Ordinance for Repealing of several Acts and Resolves of Parliament made for, or touching the Subscribing or taking the Engagement :*

And also one other Ordinance made in the same year 1653. Entituled, *An Ordinance for Settling and confirming of the Manors of Framlingham and Saxted in the County of Suffolk, and the Lands, Tenements and Hereditaments thereunto belonging, devised by Sir Robert Hitcham Knight, and late Serjeant at Law, to charitable Uses :*<sup>1</sup>

And all and every the Branches, Sentences and Words in the same severally conteyned, Shall be, and are hereby continued and confirmed, and shall stand and be in full force and strength, to all Intents and Purposes, any matter or thing to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, that . . .

<sup>1</sup> *Supra.*

A. D. 1656. And one other Ordinance Entituled, *An Ordinance for*  
Ordinance 1654. *appointing Visitors for the Universities*; shall be and is  
hereby confirmed, and continued for six Months from and  
after the end of the first Session of this present Parliament.

### APPENDIX III

#### ESTATE ACTS AND OTHER SPECIAL ACTS RELATING TO THE UNIVERSITIES AND COLLEGES

ROT. PARL. 20<sup>o</sup> HEN. VI. nu. 17. m. 10.

A. D. 1441-2. Pro Preposito et Collegio Regali beate Marie de  
Etona juxta Wyndesore.

[This Act, which is printed in *Rotuli Parliamentorum*,  
Vol. 5. pp. 45-52, gives parliamentary sanction to  
a charter of the King by which two previous charters  
dated respectively the 11th of October and the 25th  
of March in the 19th year of his reign, the former  
founding and the latter endowing Eton College, are  
confirmed, and privileges granted to the College.]

ROT. PARL. 23<sup>o</sup> HEN. VI. nu. 21. m. 21.

A. D. 1444-5. Pro Preposito et Collegio Regali Beate Marie de  
Eton juxta Wyndesoram.

[This Act, which is printed in *Rotuli Parliamentorum*,  
Vol. 5. pp. 75-87, gives parliamentary sanction to  
a charter of the King, by which several charters further  
endowing Eton College are confirmed, and additional  
endowments and privileges granted.]

25 Hen. 6] *Eton and King's College. Derehurst Priory.*

ROT. PARL. 25<sup>o</sup> HEN. VI. nu. 13. m. 5.

• Pro Preposito et Collegio Regali de Eton.

A. D.  
1446-7.

[This Act, which is printed in *Rotuli Parliamentorum*, Vol. 5. pp. 130-132, gives parliamentary sanction to a charter of the King granting to Eton College the Alien Priory of Derehurst in Gloucestershire (subject to the Prior's life interest) and other endowments, with a proviso that King's College Cambridge shall have part of the possessions of the priory of the annual value of one hundred marks, to be limited and assigned by the Bishop of Lincoln.]

PARLIAMENTARY PROCEEDINGS. CHANCERY.

27<sup>o</sup> HEN. VI. [File 27. No. 350.]

[This Act, which is printed in *Rotuli Parliamentorum*, Vol. 5. pp. 159-161, gives parliamentary sanction to a charter of the King, by which several charters further endowing Eton College are confirmed.]

A. D.  
1448-9.

ROT. PARL. 38<sup>o</sup> HEN. VI. nu. 30. m. 11.

Pro Collegio de Eton.

A. D. 1459.

[This Act, which is printed in *Rotuli Parliamentorum*, Vol. 5. pp. 363-364, gives parliamentary sanction to a charter of the King confirming Eton College in all its possessions.]

ROT. PARL. 14<sup>o</sup> EDW. IV. nu. 33. m. 15.<sup>1</sup>

Concernens Prioratum de Shirbourn.

ITEM quedam alia peticio exhibita fuit prefato domino Regi in presenti parlamento dicto vicesimo tercio die Januarii in hec verba. To the kyng oure liege lord Please

A. D. 1475.

<sup>1</sup> Vol. 6. pp. 143-4 of printed edition of *Rotuli Parliamentorum*.



1475. it your Highnes that where late a devoute religious place comonly called the Prioury of West Shirborn in your Counte of Suthampton before tyme of<sup>e</sup> mynde in the honour of the holy Trinite oure lady and seynt John the Baptiste by oon Henry Poorte sumtyme a Baron of this your noble Reame was founded edefied and indowed with grete parte aswell of his goodes and possessions as of many other benefactours to the same Prioury And for the more assured perpetuell establissement therof auctorized by popes Innocent Alexander seintz Thomas of Caunterbury Thomas of Herford and dyvers other holy Faders of the Chirch by their bulles and writynges sealed with leade and autentik scales To thentent that divine service relegious observances hospitalite and other dedes of charite shuld there dayly be doon and kept inpperpetuite. So the said fundacion and entent therof from the tyme aforeseid by a Priour and covent of Monkes there daily seyng v masses or moo with all other divine service hospitalite and other dedes of almes were observed doon and kept till the same Prioure with all maner possessions and rightes therto per- teynyng by lettres patentes and auctorite of parlement of Harry the sext lade in dede and not in right kyng of Englund holden at Redyng the xxxj yere of his usurped reigne by seducious labour and meanes was graunted unto the Provost and college of Eton by the name of the Provost and college Roiall of oure lady of Eton and to their successours for evermore. Soon after the which graunte and by colour of the same oon Benet then Priour there and all the monkes ministers and servauntes of the said Prioury the said xxxj yere therfro were put oute and from the same taken almaner goodes catelx juelx reliquiez and honourmentes Evydences popes bulles charters and muni- mentz the said Prioury and right therof concernyng; and the moost parte of the edefiying therof drowen downe caried away and destrued not abhored to lye cornes hay and to suffre booth horses and cartes dayly to goo uppon the sepultures of cristen people in grete nombre buried in the chirch there wherof mo then xxx sumtyme were

worshipfull Barons Knyghtes and Squyers in fordoiyng A. D. 1475.  
and withdrawyng all maner divine service and other pre-  
misses in substance there ordeyned to be doon and kept  
as it is openly knowen contrarie to thentent last will and  
auctorite aforeseid to the displeasure of God prejudice of  
the said Henry Porte his heires and of all thoo that by the  
same fundacion ought to be susteyned comforted or re-  
leaved, contrarie also aswell thentent of the comen lawes  
of the chirch ordeyned for the disposicion of the goodes  
of the same as to the effecte of the statutes and orde-  
naunce upon every licence of appropriation of any bene-  
fice to be had before made In consideracion of the pre-  
misses and also howe it was ordeyned that divine service  
and other dedes of charite shuld not be admynysshed in  
dyvers Priouries and possessions aliens by reason of any  
graunte or appropriation therof made to thentent that the  
last will of the Foundours of the same theryn shuld not  
there be utterly fordoon. In likewise that the said blessed  
intent disposicion and last will of the forseid Henry Poorte  
and benefactours be not utterly fordoon and sett a parte in  
the said Prioury of Shirborn; by the advis and assent of  
your lordes spirituelx and temporelx and comens in this  
your present parlement assembled and by auctorite of the  
same to establissh enacte and ordeyne that he or they that  
nowe hath haven or whoosoever of what estate dignite  
degre or condicion he be of hereafter shall have the said  
Prioury and Maners londes tenementes rentes and services  
with other premysses therto perteynyng or therof taketh  
taken or shall take the profittes in any wise other then it  
shall happen to be Priour there: shall depute ordeyne  
fynd and sufficiently endowe within the said Prioury oon  
honest preste beyng of goode conversacion that competently  
can rede and syng to be and that shalbe there resident in  
the fest of the Nativite of seynt John the Baptist in the  
yere of oure Lord M<sup>l</sup>.CCCCLXXV and so from thensforth  
dayly imperpetuite; the which Preste havynge no cause nor  
impediment lawfull shall say within the chirch of the said  
Prioury Matyns Masse Evynsong and all maner other

A. D. 1475. divine servise dayly ; the said clerk moreover shall doo and ministre all thynges convenient for a clerk to doo there necessarie and behoffull to be doon, to and for thaccomplishment of the said servise imperpetuite in and at such houres and tymes as it is moost usuelly accustomed almaner divine servise to be said and doon in the moost parte of paryssh chirches beyng thereabout openly in audience of all thoo that then there shall happen to be present praiyng specially for the prosperous encreas and long contynuaunce of your moost high estate of oure sovereigne lady Quene Elizabeth and of our full high and myghty Prynce Edward your firstbegoten son Prynce of Wales Duc of Cornewaill and Erle of Chestre and of all your moost noble progenie And by the said advis assent and auctorite to enacte and ordeyne that he or they that now hath haven or whosoever as is beforeseid shall have the said Prioury Maners londes and tenementes with other premisses therto perteyning or therof taketh taken or shall take the profittes shall sufficiently repaire maintene and kepe the chirch of the said Prioury there now stondyng with the closure of the cemitorie therof and shall ordeyne and fynde belles bookes brede wyne and lightes with all maner honourmentes and other thynges convenyent and behoffull to be had and occupied to and for thaccomplishment of the said divine service there to be said and doon inpperpetuite And over that shall kepe a yerely obite with a solempne Dirige the first day of Januarie with v masses to be said the second day of Januarie with v tapers brennyng in the said chirch duryng the tyme of sayng the said Dirige and Masses And that immediatly after the said Masses fynysshed there shall distribute and geve in almes xxiiij s. iiij d. of lafull money of Englund to the poore people then there beyng or next therto inhabityng yerely imperpetuite, to pray specially aswell for the soules of the moost famous and noble Prince Richard late Duc of York your fader of you oure said sovereyne lady the Quene your said son oure noble Prynce and of all your moost noble progenie the course of this present lyfe determyned as for the soules of

the said Henry Poorte and benefactours their Auncestres A. D. 1475.  
and children and of all other buried in the said prioury  
And over that by the same advis assent and auctorite to  
enacte and ordeyne that as often as he or they that now  
hath haven or whosoever as is beforeseid shall have the  
seid place or Prioury londes and tenementes with other  
premisses thereto perteynyng, or therof taketh taken or  
shall take the profitez for the tyme that he or they the  
same Prioury and premysses hath haven or shall have or  
therof taketh taken or shall take the profittes do not per-  
fourme or full fyll not the effecte and tenour of this present  
acte in every poynte within foure monethes next after the  
said fest of Nativite or at any tyme afterward by like space  
doo contrarie theeffecte and tenour of this same acte in any  
poynte; then and sooften the Chaunceller of Englonde now  
beyng or the Chaunceller of Englonde that hereafter shalbe  
have full auctorite and power by force of this present acte  
to hie the compleynt to be made by any of your subgiettes  
in that behalf by bill and theruppon to doo procede and  
determyne in like maner wise and fourme as it is usually  
accustomed to doo daily in writtes of sub pena in your  
Chauncery And over that to compelle every persone or  
persones chargeable by this present acte and founden  
defectyf in that behalf to fynde sufficiant suertie from-  
thensforth to observe fullfill and kepe the charges in this  
said acte specified, in every poynte moreover by the said  
advys assent and auctorite to enacte and ordeyn, that the  
graunte of the said Prioury Maners londes and tenementes  
with thappurtenaunces in the same graunte particularly  
expressed thereto to be perteyning by auctorite of the said  
parlement the said xxxj yere or by any maner lettres  
patentes acte or auctorite of any other parlement in any  
tyme unto the said Provost and College and to their  
successours or any acte of Resumpcion at any tyme had  
or made or by this present parlement to be made extend  
not ne be prejudiciall or in any maner wise hurte any of  
your said lieges of their heires havynge or holdynge any  
londes and tenementes or possessions holden of the said.

A. D. 1475. Prioury in or of any such right interesse or title lafull as any of theym hath or any of their Auncestrs had or of right ought to have had in any such londes and tenementes or possessions so holden before any graunte of the said Prioury as is beforeseid made: Qua quidem petitione in parlamento predicto lecta audita et mature intellecta de avisamento et assensu dominorum spiritualium et temporalium ac Communitatis regni Anglie in eodem parlamento existencium ac auctoritate ejusdem respondebatur eidem in forma sequenti Soit fait come il est desire.

19<sup>o</sup> HEN. VII. CHAPTER XXIX [*Cap. 6., Ruff.*]

A. D. 1485. Pro Monasterio Sancti Salvatoris de Syon.<sup>1</sup>

[This Act recites and confirms an Indenture between the King and Syon Monastery by which the Monastery is discharged from desmes, &c., in respect of the advowsons of Olney, &c., which had been granted to them by the King, and of their other possessions, and in exchange agrees to the enclosure by the King of a piece of land in Isleworth and Twickenham. The Indenture contains the following covenant.]

Annuity to  
Winchester  
College for  
Tithes of  
Inclosure.

It is also covenanted and agreed betwene the seid King our Souveraign Lorde and the seid Abbas and Convent that the seid Abbas and Convent shall make a sufficient graunt under ther commen Seale of an annuite of fyve markes to the Warden of the newe College of Wynchester and to ther successoures for a full recompens for the losse of there tithes that they shall and shulde have by reasone of the seid inclosure of the seid groundes, the same graunte to be made under suche proviso and condicion as hereafter dothe folowe, and the same proviso and condicion to be entered in the same graunte of Annuytie. Provyded alwey that yf the seid advouson or the title of the seid advouson be by auctoritie of parlement or otherwysse, taken evicted

<sup>1</sup> This Act is printed in Statutes of the Realm. •

avoyned or the profittes therof utterly taken frome the seid Abbas and Covent of the seid Monastery<sup>1</sup> for the tyme beyng, that then and frome that tyme all annuities and other charges of the seid Monastery and Howse hadde and made by reason of the seid appropriacion and amortisment of the seid advouson as longe as they shall not nowe have ne enjoye the premisses for the impedimentes remembred, cesse and be fromethens as voyde, thes presentes in any thing notwithstandyng.

A. D. 1485.

23<sup>o</sup> HEN. VIII. CHAPTER XXII [*Cap. 2., Ruff.*]

AN ACTE concernyng an Exchaung of Londz betwene the Kynges Highnes and the Master Fellowes and Scolers of Crystes Colledg in Cambrydg.<sup>1</sup>

A. D.  
1531-2.

[This Act recites in full and confirms (1) a deed dated the 1st of November, 1531, by which Christ's College conveyed to the King the Manor of Roydon<sup>2</sup> in Essex and Herts with the appurtenances and other hereditaments in the same counties, excepting thereout a messuage with a croft adjacent containing three acres of land and pasture in the town of Roydon; and (2) letters patent of the 2nd of January, 1531-2, by which the King granted to the College the suppressed Priory of Bromehill with its possessions, consisting of several manors in Norfolk and lands in Norfolk and Suffolk, a windmill in Weeting, £20 annual rent issuing out of the Manor of Weeting, and the advowson of the rectory of Croxton, with a dispensation from the Statute of Mortmain and a licence to appropriate the rectory to the uses of the College.<sup>3</sup> These premises had

<sup>1</sup> This Act is printed in Statutes of the Realm.

<sup>2</sup> As to the Manor of Roydon see 1 Hen. 8. c. 19 [*c. 4., Ruff.*] Vol. I (*supra*).

<sup>3</sup> The rectory of Croxton had been appropriated to the use of the Priory in 1401.

A. D.  
1531-2.

belonged to the Priory of Bromehill in the Parish of Weeting till its dissolution by bull of Pope Clement the Seventh of the 14th of May, 1528, when they were granted by the King to Cardinal Wolsey and by him applied to the endowment of Cardinal College in Ipswich; but on his attainder, or upon the dissolution of Cardinal College, had reverted to the King. The letters patent also granted the right to hold a yearly fair in Bromehill.]

23<sup>o</sup> HEN. VIII. CHAPTER XXIV. [*Cap.* 4., *Ruff.*]

AN ACTE concernyng an Exchaung of certen Londz betwene the Kyngz Highnes and the Provost of Eton.<sup>1</sup>

[This Act confirms an exchange by which Eton College surrendered to the King the Hospital of St. James in the Field near Westminster and 185½ acres of land belonging thereto, namely 64 acres between Charing Cross and Hay Hill, 96 acres in 'the Northfelde' lying on the North side of the King's road from Charing Cross to Hay Hill, 18 acres at Knightsbridge, 5 acres in 'Temmys Meade', half an acre in 'Chelsey Mede', and 2 acres in a meadow at Fulham, part of Henry the Sixth's endowment of the College, except thereout lands called 'Chalcottes et Wyldes' in Hendon, Finchley, and Hampstead, a tenement called 'le White Bere' in the parishes of St. Mary Magdalen and All Hallows in Westcheap and Bread Street in the City of London, and a messuage in Westminster occupied by Thomas Brightman; and received the manor of 'Baudewyns' near Dartford, Kent, with lands belonging thereto, land called 'Brokes' in Dartford, the advowson of the church of 'Newynton'<sup>2</sup> with lands called 'Flache' in Luddenham Marsh, and the manor

<sup>1</sup> This Act is printed in full in *Statutes of the Realm*.

<sup>2</sup> Newington, near Sittingbourne, Kent.

and advowson of the church of 'Chatesham',<sup>1</sup> Suffolk, with lands belonging to the manor, together with licence to appropriate to the College the rectories of the said churches.]

A. D.  
1531-2.

[24<sup>o</sup> HEN. VIII. Cap. 5.

An Act for Confirmation of an Exchange of Lands, made between the King and the Master, Fellows, and Scholars of *Christ-Church in Cambridge*.<sup>2</sup>

A. D.  
1531

27<sup>o</sup> HEN. VIII. CHAPTER LII. [c. 24., Ruff.]

AN ACTE concernyng an exchange of Londes betwene the Kynges Highnes and the Presydent and Scolers of Corpus Christi College in the Universyte of Oxford.<sup>3</sup>

A. D.  
1535-6.

[This Act confirms an indenture of the 4th of March, 1535-6, between the King and Corpus Christi College, Oxford, by which the College bargained and sold to the King the Manor of Mulsey (Molesey), Surrey, with all lands parcel thereof in West Mulsey, Walton, Harsam (Hersham), and Thamys Dytton, and the King bargained and sold to the College in recompense therefor the Manor of West Henreth (West Hendred) or Lytyll Henreth, Berks, and the Parsonage<sup>4</sup> of the Church of West Henreth, freed from liability to tenths payable under 26 Hen. 8. c. 3 (Vol. I (*supra*)).]

<sup>1</sup> Chattisham.

<sup>2</sup> This title is taken from Ruffhead; but there is no record of the Act on the Roll for the year, nor is any original Act bearing this title preserved at the House of Lords. It is not noticed in Statutes of the Realm, and the title is perhaps nothing but a repetition in an erroneous form of that of 23 Hen. 8. c. 22 [c. 2., Ruff.] (*supra*).

<sup>3</sup> This Act is printed in Statutes of the Realm.

<sup>4</sup> i. e. the impropriate rectory.



4<sup>o</sup> JAC. I. Cap. 9. [No. 22.]A. D.  
1606-7.

An Act for Confirmation of certen Landes to the Warden and Colledge of the Soules of all faithful People deceased of Oxon, and of other Landes to Sir William Smith Knight.

[The preamble recites that by letters patent of James the First the house, site, and possessions of the late Priory of Laund, Leicestershire (which premises had been granted by Henry the Eighth to Gregorie Lord Crumwell, and re-conveyed by Edward Lord Crumwell grandson of Gregorie to James the First), had been granted to Sir William Smith; that All Souls College claimed 220 acres part thereof as belonging to its Manor of Whadborough, and that there had been litigation as to this claim between the College and Edward Lord Crumwell;

that an award had been made on the 2nd of March, 1605-6 by the Archbishop of Canterbury, the Earls of Shrewsbury, Northampton, and Salisbury, Chief Justice Popham, and Justices Walmsley, Yelverton, and Willyams, that Lord Crumwell should convey to the College hereditaments late of Laund Priory lying in Whadborough Pasture in the Parish of Tilton, hereditaments of the late Monastery of Olston, Osellweston, or Owston lying in the said pasture or elsewhere in Whadborough, hereditaments of the late Monastery of St. James near Northampton in the said pasture, and all other his lands therein, subject to a lease to Askew which had not above fourteen years to come, and that the College should pay to Lord Crumwell £1600 and release its claim against Sir W. Smith; that the College had paid the £1600, and Lord Crumwell had executed the required conveyances as to some part, but that the College was disabled from releasing its claim against Sir W. Smith.

• • The Act provides that the College shall hold the lands

awarded to be conveyed to it, subject to the lease to Askew, extinguishes its claim against Sir W. Smith, and confirms the lease to Askew.]

A. D.  
1606-7.

12<sup>o</sup> CAR. II. *Cap. 19.* [*Cap. 32., Ruff.*] [No. 56.]

AN ACT for the disappropriating of the Rectory appropriate of Preston and uniting and consolidating of the said Rectory and of the Vicaridge of the Church of Preston and for the assuring of the Advowson and right of patronage of the same unto the Master Fellowes and Schollers of Emanuell Colledge in Cambridge and their successors. A. D. 1660.

[The preamble recites a deed of the 11th of October, 19 Jac. 1. (1621) by which Robert Riece conveyed the Rectory of Preston to trustees upon trust to procure an Act of Parliament to be passed in the first Session after the expiration of three years from his death to unite the rectory with the vicarage and to assure the advowson of the united benefice, or rectory, to Emmanuel College; the rector to pay £5 yearly for clothing and apprenticing two sons of poor parishioners of Preston, or, if none, two sons of poor men of Lavenham, and £3 for repairing the church, to hold no other benefice with cure of souls, and to be subject to certain provisions as to residence and other matters.

The Act gives effect to the intentions of Robert Riece as expressed in the deed.]

7<sup>o</sup> & 8<sup>o</sup> GUL. III. *Cap. xviii.* [No. 32.]

AN ACT to ascertain and settle the Payment of the Improprate Tythes of the Parish of Saint Lawrence Old Jury in London to the Master and Scholars of Balliol College in Oxford and for confirming an Award made concerning the same. A. D. 1695-6.

*Cap. xviii] Balliol College. St. Lawrence [7 & 8 Will. 3  
Jewry.*

A. D.  
1695-6.

[The preamble recites that Balliol College is seised in fee of the impropriate rectory of 'St. Lawrence Old Jury', and that it leased the same in 1692 for twenty years to John Sayer, Clerk; that suits in the Court of Exchequer had arisen between the College and its lessee and the inhabitants and occupiers of houses and other titheable matters, and the differences were referred to the arbitration of Baron Lechmere and Baron Powell, who on the 22nd of January, 6 Will. 3 (1694-5), made their award, under which sums amounting in the whole to £150 are to be paid for tithes by the inhabitants and occupiers; and that questions might arise under the Act for tithes in London, 37 Hen. 8,<sup>1</sup> and also about other matters in the award, unless it be confirmed by Parliament.

The Act ratifies and confirms the award, and provides that, if by alterations in buildings uncertainty hereafter should arise as to the amounts payable, the churchwardens may reapportion as to the buildings so altered, but not so as to increase the total amount.]

9<sup>o</sup> ANNÆ, *Cap. xij.* [*Cap. 16., Ruff.*] [No. 35.]

A. D. 1710. AN ACT for confirming to the Principal and Scholars of King's Hall and College of Brazen-Nose in the University of Oxon the Purchase of the Advowsons of Stepney and other Churches and for settling the same to the Benefit of the said College.<sup>2</sup>

[The preamble recites that Brasenose College formerly purchased 26 acres of woodground called Ashenshaw, 48 acres of woodground called Tapsters Coppice, late

<sup>1</sup> c. 12.

<sup>2</sup> The rights of Brasenose College as to church patronage in Stepney Parish are specially protected in the following Church Building Acts, 12 Ann. [12 Ann. St. 1., Ruff.] c. 17. s. 4. (Vol. 1 (*supra*)), and 58 Geo. 3. c. 45. s. 69. (Vol. 2 (*supra*)).

parcel of the Manor of Rotherfield Greys, Oxon, lying A. D. 1710.  
 in Rotherfield and Henley upon Thames, let at £26 8s.,  
 which are charged with the annual payment of £15 12s.  
 for the support of two scholars of the College, and with  
 the yearly fund of £2 to be employed amongst the  
 Principal and Scholars in commemoration of the donor  
 of the money by which the premises were purchased ;  
 that after the termination of the lease the yearly value  
 of the premises will be uncertain as it depends on the  
 fall of wood which in some years cannot be made ;  
 that for the better and more certain securing of the  
 annual payment of the £15 12s. the College have pur-  
 chased the advowsons of the rectory and vicarage of  
 Stebbunheath *alias* Stepney, Middlesex, the rectory of  
 St. Mary Matfelon *alias* Whitechapel, and the rectory  
 of St. John Wapping, and have borrowed great sums  
 of money to effect the purchase ;

The Act provides that the advowsons shall belong to  
 the College ; empowers the College to sell Ashenshaw  
 and Tapsters Coppice for the best price to be got,  
 freed from the annual payments of £15 12s. and £2,  
 and to apply the proceeds of sale in repaying the  
 money borrowed ; unites the vicarage of Stepney to  
 the rectory ; charges the present rector with a yearly  
 pension to the College of £106 free of all taxes and  
 payments both ordinary and extraordinary ; provides  
 that after avoidance of the incumbency of the present  
 rector the rectory shall be ' considered and understood  
 in the Law to be as and under the Terme of two  
 Moyeties or portions of the said Rectory,' the College  
 presenting one portionist of Ratcliff Stepney and the  
 other of Spitalfield Stepney who are to serve the cure  
 of souls for the parish in alternate months, and hold  
 the rectory and vicarage as tenants in common, paying  
 £106, £53 each yearly to the College, and the College  
 is to apply £20 a year for the maintenance of the two  
 scholars ; if after the expiration of forty years from the

*Cap. xii] Brasenose College. Stepney, [9 Ann.*  
*Whitechapel, and Wapping Rectories.*

A. D. 1710. 24th of June, 1711, or at any time thereafter, the Bishop of London and Principal of the College so agree, only £20 a year shall thenceforth be payable by the portionists; provisions are made as to residence houses for the portionists and payment of first fruits, &c. of the rectory by the portionist of Ratcliff Stepney, and of the vicarage by the portionist of Spitalfield Stepney, and of rates and taxes equally; the College is to present to Stratford-Bow and all other churches or chapels built or hereafter to be built in Stepney and to receive the profits belonging to the same.  
 The Act is declared to be a public Act.]

5<sup>o</sup> GEO. II. *Cap. 23.* [No. 56.]

A. D. 1731-2. An Act for exchanging of certain Lands between *Henry Bromley* Esquire, and the Master, Fellows, and Scholars of *Pembroke Hall* in the University of *Cambridge*.

[This Act confirms articles of agreement of the 8th of February, 1731-2, by which *Pembroke Hall* agreed to exchange two pieces of land, one in *West Wickham*, *Cambridgeshire*, containing  $4\frac{1}{2}$  acres, and the other in *Horseheath*, *Cambridgeshire*, containing half an acre, and a right of common in *Town Green*, *Horseheath*, for two pieces of land in *Horseheath*, containing respectively 4 acres and 2 acres, belonging to *Henry Bromley*; and vests the property accordingly.]

8<sup>o</sup> GEO. II. *Cap. 4.* [No. 34.]

A. D. 1734-5. An Act for exchanging Lands between the Earl of *Peterborough*, and the Provost and Scholars of *Queen's College* in *Oxford*.

[This Act gives effect to an exchange agreed upon between *Queen's College*, *Oxford*, and the Earl of

- Peterborough and Monmouth, of a grange, farm, and parcel of ground in Padwell, and half an acre of land in Attle Duscrofts, all in the liberties of the town of Southampton, belonging to the College as Warden of God's House<sup>1</sup> in that town, for a farm called Wakes at Clifton, Bucks., containing 124 acres and stated to be of greater value and to be intended by the Earl as a benefaction to the College; and vests the property accordingly from the 1st of May, 1735.]
- A. D.  
1734-5.

9<sup>o</sup> GEO. II. *Cap. 9.* [No. 37.]

An Act for exchanging of Lands between Sir *John Astley* Baronet, and the President and Fellows of *Queen's College* in *Cambridge*.

A. D.  
1735-6.

[This Act gives effect to an exchange which it states will be of considerable advantage to Queens' College of a messuage called Lakes in Eyerleigh, Wilts., and lands and messuages (including the Rose and Crown Inn) in Everleigh and Cottingborne Ducis, belonging to the College, for the manor of Depden and a farm and several closes and land in the common fields in Kingston, Toft, Bourne, and Eversden, Cambridgeshire, belonging to Sir John Astley; and vests the property accordingly from the 25th of March, 1736. There is a clause enabling the College to let the property acquired upon the same terms as it could have let the property given in exchange for it.]

13<sup>o</sup> GEO. II. *Cap. 14.* [No. 44.]

An Act for exchanging several Lands and Grounds belonging to *Thomas Inwen* Esq; in the Parish of *Wootton* in the County of *Bedford*, for other Lands

A. D.  
1739-40.

• <sup>1</sup> See 27 Eliz. c. 2. (Vol. I (*supra*)).

A. D.  
1739-40.

of equal Value in the same Parish, belonging to the Master, Fellows, and Scholars of *Sidney-Sussex College in Cambridge*.

[This Act gives effect to an exchange of 78a. 2r. 39p. of land in Wootton Pillinge, Beds., belonging to Sidney Sussex College, for 76<sup>a</sup> 2<sup>r</sup> 19<sup>p</sup> of land in the same parish part of settled estates over which Thomas Inwen had a power of sale; and vests the property accordingly from the 25th of March, 1740.]

28<sup>o</sup> GEO. II. Cap. 6. [No. 42.]

1754-5.

An Act for confirming and establishing an Agreement between the Principal of *Saint Mary Magdalen Hall* in the University of *Oxford*, and *Ellis Saint John* Clerk, for exchanging the Advowson of the Church of *Southmoreton*, in the County of *Berks*, for the alternate Presentation of the Church of *Finchamstead*, in the said County.

[This Act gives effect to an agreement dated the 1st of January, 1754-5, for the exchange of a moiety of the advowson of, or alternate right of presentation to the rectory of Finchampstead, Berks., held by the University of Oxford in trust for Magdalen Hall, for the advowson of South Moreton, Berks., belonging to Ellis Saint John (who was also the owner of the other moiety of the advowson of Finchampstead); and vests the property accordingly from the 25th of March, 1755.]

29<sup>o</sup> GEO. II. Cap. 29. [No. 96.]

A. D.  
1755-6.

AN Act for confirming and establishing an Exchange of Tythes, Cottages, and Lands, for a Messuage, Farms, Lands, and Common of Pasture in *Steeple Aston*, in the County of *Oxford*, pursuant to an

Agreement between the Principal and Scholars of *King's Hall*, and College of *Brazen Nōse* in *Oxford*, *John Eaton* Clerk, and *Francis Page* Esquire; and also for giving Power to the said *Francis Page*, and others, claiming under the Will of Sir *Francis Page* Knight, deceased, to make a Jointure on any Wife or Wives with whom they may intermarry.

A. D.  
1755-6.

[This Act gives effect (with a slight variation affecting half an acre) to an agreement of the 4th of December, 1755, for the exchange of tithes payable out of lands in Middle Aston to the Rector of Steeple Aston (of the rectory whereof Brasenose College were patrons), and lands in Middle Aston partly belonging to the rectory and partly held by the rector on lease from the College, the whole worth £81 a year, for lands in Steeple Aston worth £95 a year held on the trusts of a settlement under which Francis Page was tenant for life; and vests the latter premises in the Rector and his successors and the former in the trustees of the settlement from the 25th of March, 1756.]

3<sup>o</sup> GEO. III. *Cap.* 37. [No. 83.]

An Act for vesting certain Lands in the Counties of *Essex* and *Cambridge*, belonging to the Master, Fellows, and Scholars, of the College called *Jesus' College*, in the University of *Cambridge*, in Sir *William Maynard* Baronet, and his Heirs.

A. D.  
1762-3.

[The preamble recites that *Jesus College*, *Cambridge*, is seised in fee of lands 9 acres in extent in the common fields of *Ashdon*, *Steventon*, and *Bartlow*, in *Essex* and *Cambridgeshire*, subject to a lease for twenty-one years from the 5th of April, 1761, that the lands are contiguous to Sir *W. Maynard's* estate, and that it is,



A. D.  
1762-3.

convenient for him to buy, and advantageous for the College to sell them for the price after mentioned.

The Act vests the lands in Sir W. Maynard in fee simple from and after the 24th of June, 1763, and payment by him of £109, being computed to be twenty-eight years' purchase after deducting the value of the lease.]

5<sup>o</sup> GEO. III. Cap. 48. [No. 9.]

A. D. 1765. An Act for vesting an Estate, called *Woodlands*, in the County of *Wilts*, belonging to the Master, Fellows, and Scholars, of the College, called *Clare Hall*, in the University of *Cambridge*, in *William Earl of Shelburne*, and his Heirs.

[This Act gives effect to an agreement for the sale by Clare Hall of an estate called Woodlands in the parish of Calne, Wilts., held by the College under the will dated the 29th of October, 1724, of John Wilson upon trust for the maintenance of two 'Wilson Scholarships', to the Earl of Shelburne for the price of £1074. 18. 9; and vests the estate in the Earl from the 1st of May, 1765, and payment of the purchase money.]

9<sup>o</sup> GEO. III. Cap. 9. [No. 41.]

A. D.  
1768-9.

An Act for confirming Articles of Agreement, and for effecting an Exchange of Lands, between the most Noble *George Duke of Marlborough*, and the Warden and Scholars of *Merton College* in *Oxford*.

[This Act gives effect to an agreement of the 25th of March, 1768, for the exchange of 'Woodstock Piece' and other pieces of land, 31<sup>a</sup> 2<sup>r</sup> 56<sup>p</sup> in all, conveniently situated for the ornament and use of Woodstock

- Park, belonging to Merton College subject to a lease to the Duke of Marlborough for twenty-one years from the 25th of March, 1762, for 44<sup>a</sup> 2<sup>r</sup> 0<sup>p</sup> of land in the Liberty of Hensington in the Parish of Bladon, Oxfordshire, belonging to the Duke, being more in quantity and of greater value; and vests the property accordingly from the passing of the Act (21st of March, 1769), the land received by the College being made subject to the above-mentioned lease in lieu of the lands given in exchange.] A. D.  
1768-9.

13<sup>o</sup> GEO. III. *Cap. 52.* [No. 109.]

An Act for effecting an Exchange of Lands, between *Charles Turner*, Esquire, and the Master, Fellows, and Scholars of *Trinity College* in *Cambridge*. A. D.  
1772-3.

[This Act gives effect to an exchange of 23<sup>a</sup> 2<sup>r</sup> 0<sup>p</sup> of unidentified land lying dispersed in common fields in the Township of Wombwell and Parish of Darfield, Yorkshire, and a close of 8<sup>a</sup> 3<sup>r</sup> 19<sup>p</sup>, belonging to Trinity College, Cambridge, as part of 'the Rectory of the Moiety, or the moiety of the Parsonage of Darfield' subject to a lease to Charles Turner for twenty years from the 5th of April, 1769, for three closes of ten acres each and so much of another close as will make up thirty-five acres, all in Wombwell belonging to Charles Turner; and vests the property accordingly from the passing of the Act (7th of April, 1773) the lands received by the College being made subject to the above-mentioned lease in lieu of those given in exchange.]

14<sup>o</sup> GEO. III. *Cap. 41.* [No. 88.]

An Act for confirming an Agreement between *William Earl of Radnor* and the President and

A. D. 1774. Fellows of *Queen's College Cambridge*, for an Exchange of the Advowson of *Seagrave*, in the County of *Leicester*, for the Advowson of *Great Chiveſel*, in the County of *Wilts*.

[This Act gives effect to the exchange of the above advowsons and vests the property accordingly from the 1st of May, 1774.]

14<sup>o</sup> GEO. III. Cap. 104. [No. 213.]

An Act to enable the Master and Scholars of *Baliol College*, in the University of *Oxford*, in their Collegiate Capacity, to convey certain Lands and Possessions belonging to the said College, in the Counties of *Salop* and *Radnor*, to *William Pearce Hall*, and *John Woodhouse*, Esquires, in Exchange for other Lands in the County of *Radnor*, of greater Value, to be conveyed to, and held by, them respectively, to the Uses, and upon the Trusts, therein mentioned.

[This Act confirms an agreement for the exchange by Balliol College of lands in Seifton and Culmington, Salop, and in the townships of Rhosgree and Clombeeway in the parish of Llanbister, Radnorshire, of the yearly value of £50 (being part of estates devised to the College by the will dated the 26th of June, 1704, of Richard Greaves for the maintenance of two exhibitioners to be elected from Ludlow Free School), for Llandilo Hall, otherwise The Great House, and lands belonging thereto in Llandilo Graban, Radnorshire, let on lease at an annual rent of £60, for the purchase of which William Pearce Hall and John Woodhouse had contracted; and directs conveyances to be made by the parties accordingly.]

15<sup>o</sup> GEO. III. Cap. 28. [No. 58.]

An Act for Exchanging certain Lands and Tenements, Part of the Estates comprised in the Settlement made on the Marriage of the Right Honourable *George* Lord Viscount *Torrington*, for certain Lands and Tenements, belonging to the President and Scholars of *Saint John Baptist College*, in the University of *Oxford*; and also for exchanging certain Mills and Lands thereto belonging, likewise comprised in the said Settlement, for certain Lands and Tenements belonging to *John Dilly* Gentleman.

A. D.  
1774-5.

[This Act *inter alia* gives effect to an exchange by St. John's College, Oxford, of Rowney Farm containing 872<sup>a</sup> 3<sup>r</sup> 33<sup>p</sup> in Southill, Beds., for the manors or manor of West Hay and Faldo in Higham Gobian, Beds, and five farms, two closes, and two spinneys in Polluxhill and Higham Gobian, 360<sup>a</sup> 1<sup>r</sup> 28<sup>p</sup> in all, part of Lord Torrington's settled estates, and a yearly rentcharge of £35 to be secured by Lord Torrington for equality of exchange; and vests the property accordingly from the 25th of March, 1775, charging part of Rowney Farm with the payment to the College in perpetuity of the agreed rent of £35.]

17<sup>o</sup> GEO. III. Cap. 55. [No. 116.]

An Act for establishing and confirming Exchanges of divers Messuages, Lands, Tenements, and Hereditaments, situate, standing, lying, and being, within the Hamlet of *Wighthill*, in the parish of *Tackley*, in the County of *Oxford*, pursuant to Articles of Agreement between the President and.

A. D.  
1776-7.

A. D.  
1776-7.

Scholars of *Corpus Christi College*, in the University of *Oxford*, and *Simon Wisdome* Esquire; and for other Purposes therein mentioned. .

[This Act gives effect to an agreement dated the 21st of January, 1777, and made between *Corpus Christi College, Oxford*, owners, subject to a lease for twenty years granted by indenture of the 10th of October, 1776, to *Simon Wisdome*, of 349<sup>a</sup> 1<sup>r</sup> 20<sup>p</sup> of land in the hamlet or tithing of *Wighthill* in the parish of *Tackley, Oxon*, out of 705<sup>a</sup> 3<sup>r</sup> 0<sup>p</sup> of which the hamlet consisted, of the one part, and *Simon Wisdome*, lord of the manor of *Wighthill* and owner of other 349<sup>a</sup> 1<sup>r</sup> 20<sup>p</sup> in the same hamlet, of the other part; which agreement, after reciting that the hamlet consisted among other things of several common fields, and that 'by a long Unity of Possession (the same having been rented for many years by one Tenant, and he having ploughed up the Meer Balks and removed the ancient Land Marks)' it was difficult and almost impossible to ascertain the particular and precise lands of the parties, provides that certain parcels should be held respectively by *Simon Wisdome* and by the College subject to the said lease. The Act vests the property accordingly from the 21st of January, 1777.]

17<sup>o</sup> GEO. III. Cap. 56. [No. 117.]

An Act to enable the President and Scholars of the College of *Saint Mary Magdalen*, in the University of *Oxford*, to grant Building Leases of certain Ground, Messuages, Houses, and Buildings, in the Parish of *Saint John, Southwark*, in the County of *Surrey*.

[This Act empowers *Magdalen College, Oxford*, to grant building leases for ninety-nine years of land in *Tooley Street* and *Bermondsey Street, Southwark*.]

17<sup>o</sup> GEO. III. Cap. 91. [No. 155.]

An Act for vesting certain Messuages, Lands, Tenements, and Hereditaments, in the *Isle of Wight*, the settled Estate of *Elizabeth Trattle* of *Cardiff*, in the County of *Glamorgan* Widow; and also a certain Messuage, and Lands and Hereditaments, of the Warden and Scholars, Clerks of *Saint Mary College* of *Winchester*, near *Winchester*, in the County of *Southampton*, in Trustees, in Trust, to sell and convey Part of the said settled Estate, and also the said Estate of the said Warden and Scholars, Clerks, to Sir *Richard Worsley* Baronet; and other Part of the said settled Estates, to the said Warden and Scholars, Clerks; and to apply Part of the Money arising from such Sale, in paying off an Incumbrance affecting Part of the said settled Estate; and for laying out the Residue of the said Money in the Purchase of other Lands and Hereditaments, to be settled to the like Uses; and to enable the said Warden and Scholars, Clerks, to take a Conveyance of that Part of the said settled Estates intended to be conveyed to them.

A. D.  
1776-7.

[This Act confirms an agreement by which Winchester College was to sell a farm called Little Span containing 104<sup>a</sup> 1<sup>r</sup> 10<sup>p</sup> worth £60 a year in Godshill, Isle of Wight, to Sir Richard Worsley for £2100, and lay out the purchase money in buying a messuage and 46 acres of land at Yafford in the parish of Shorwell, Isle of Wight, part of the settled Estates of which Elizabeth Trattle was tenant for life; and gives effect thereto by vesting both estates, and another estate at Whitwell, Isle of Wight, also part of Elizabeth Trattle's

A. D.  
1776-7.

settled estates which Sir R. Worsley had agreed to buy for £4025, in trustees upon trust upon payment to them by Sir R. Worsley of the sums of £4025 and £2100 to convey the Whitwell and Little Span estates to Sir R. Worsley and the Yafford estate to Winchester College, to be held by it as part of the Manor of Barton, of which Little Span had been part and upon the same terms as to leasing by copy of Court roll.]

25<sup>o</sup> GEO. III. *Cap.* 20. [No. 69.]

A. D. 1785. An Act for establishing and confirming an Agreement between the Warden and Scholars, Clerks of Saint *Mary* College of *Winchester*, near *Winchester*, in the County of *Southampton*, and their Lessee, and *Robert Pope Blachford* Esquire, for Exchange of certain Grounds in the Parish of *Whippingham*, in the Isle of *Wight*, and County of *Southampton* aforesaid.

[This Act gives effect to an agreement of the 1st of December, 1784, for the exchange by Winchester College and their lessee, the Earl of Clanricarde, of a field of 20 acres called Mitchell's Wood, part of Barton Farm <sup>1</sup> in Whippingham, Isle of Wight, for two pieces of land containing 19<sup>a</sup> 1<sup>r</sup> 16<sup>p</sup> in the same parish belonging to Robert Pope Blachford of Osborne; and vests the property accordingly from the passing of the Act (13th of May, 1785).]

26<sup>o</sup> GEO. III. *Cap.* 25. [No. 88.]

A. D. 1786. An Act to effectuate and establish an Exchange between the Right Honourable *Henry Frederick* Lord *Carteret*, and his Trustees, with the Master,

• • <sup>1</sup> For the sale of Barton Farm to Queen Victoria see 8 & 9 Viet. c. 20 (*infra*).

Fellows, and Scholars of the College of the Lady *Frances Sidney Sussex*, in the University of *Cambridge*, of the Advowson and Right of Patronage of and to the Rectory of *Saint Mary Week* otherwise *Week Saint Mary*, in the County of *Cornwall*, for the Advowson and Right of Patronage of and to the Vicarage of *Wilshamstead* otherwise *Wilstead*, in the County of *Bedford*. A. D. 1786.

[This Act gives effect to the above exchange of advowsons, and vests the property accordingly from the 24th of June, 1786.]

30<sup>o</sup> GEO. III. Cap. 34. [No. 138.]

An Act to effectuate and establish an Exchange between *William Colhoun* Esquire, with the Provost and College of *Eton*, of the Advowson and Right of Patronage of and to the Consolidated or United Rectories of *Creeping All Saints* and *Creeping Saint Olaves*, in the County of *Suffolk*, for the Advowson and Right of Patronage of and to the Rectory of *East Wretham*, in the County of *Norfolk*. A. D. 1790.

[This Act gives effect to the above exchange of advowsons, and vests the property accordingly from the 1st of June, 1790.]

30<sup>o</sup> GEO. III. Cap. 35. [No. 139.]

An Act to effectuate and establish an Exchange between *William Colhoun* Esquire, and the Provost and Scholars of the King's College of *Blessed Mary* and *Saint Nicholas*, of *Cambridge*.



1 D. 1790. of the Advowson and Right of Patronage of and to the Rectory of *Hepworth*, in the County of *Suffolk*, and certain Pieces of Land and Hereditaments in *Hepworth* aforesaid, for the Advowson and Right of Patronage of and to the Rectory of *West Wretham*, in the County of *Norfolk*.

[This Act gives effect to an exchange by King's College, Cambridge, of the advowson of the rectory of West Wretham, of the yearly value of £163, for the advowson of the rectory of Hepworth, of the yearly value of £205, and 25<sup>a</sup> or 19<sup>p</sup> of land in Hepworth, of the yearly value of £20, which latter advowson and land William Colhoun recently purchased from Robert Nunn present Rector of Hepworth. The Act vests the advowsons accordingly from the 1st of June, 1790, and provides that the land above mentioned shall remain vested in William Colhoun during the incumbency of Robert Nunn and then be annexed to the rectory of Hepworth as part of the glebe thereof.]

32<sup>o</sup> GEO. III. Cap. 12. [No. 66.]

A. D. 1792. An Act for carrying into Execution an Agreement between the Master and Scholars of *Balliol College*, in the University of *Oxford*, and the Mayor and Commonalty and Citizens of the City of *London*, for vesting in the said Mayor and Commonalty and Citizens, and their Successors, certain Ground and Buildings in the Parish of *Saint Lawrence Jewry, London*, and for securing to the said Master and Scholars, and their Successors, certain Yearly Rents in lieu thereof.

[The Act gives effect to an agreement for the purchase by the Corporation of the City of London from Balliol

College of a mansion house called The Parsonage, or Parsonage House, or The Parson's House of St. Lawrence Old Jewry, being on the North side of St. Lawrence's Church Yard, with garden belonging to it, and two other houses adjoining; the premises being held by the City Corporation on a lease for forty years from Michaelmas, 1777, at the yearly rent of £10 and one couple of good fat living capons or 4s. in lieu thereof at the choice of the College; and being used for public offices in connexion with the Guildhall to which they were contiguous. The consideration for the purchase is the payment during the residue of the term covered by the lease of the rent of £10 4s. 0d. to the College and 2s. to the Bursar, and after Michaelmas, 1817, of a yearly corn rent of 62 qrs. 4 bushels of wheat and 4s. to be paid half-yearly to the College and 2s. to the Bursar for every half-year's receipt. The Act vests the premises in the City Corporation from the 24th of March, 1792, and charges the agreed rents on all the estates of the Corporation.]

33<sup>o</sup> GEO. III. *Cap. 22.* [No. 95.]

An Act for establishing and confirming certain Articles of Agreement entered into between the Duke of *Marlborough* and *Lincoln College, Oxford.*

A. D.  
1792-3.

[The Act gives effect to an agreement of the 29th of December, 1792, between the Duke of Marlborough lord of the manor of Combe, Oxfordshire, and owner of all the lands in the manor and parish of Combe except the glebe lands and a few acres besides, and Lincoln College appropriators of the rectory including the glebe and the great and small tithes, (1) for the extinguishment of the tithes on the land (other than glebe) in consideration of a corn rent of 2,547 gallons.

of wheat and 6,321 gallons of barley (stated to be equivalent to £200 the then value of the tithe) payable on the 10th of October in every year from 1793, inclusive out of the Duke's manor of Black Bourton and lands in the parish of Black Bourton; and (2) for the exchange, to date from the 10th of October, 1792, of two pieces of land amounting to 10<sup>a</sup> or 20<sup>p</sup> belonging to the Duke in Combe for two pieces there amounting to 7<sup>a</sup> 1<sup>r</sup> 2<sup>p</sup> belonging to the College and certain rights of common.]

34<sup>o</sup> GEO. III. Cap. 62. [No. 183.]

A. D. 1794. An Act for establishing and confirming certain Articles of Agreement for an Exchange between the Principal and Scholars of the *King's Hall* and College of *Brazen Nose*, in *Oxford*, and *Edward Loveden Loveden*, of *Buscot Park*, in the County of *Berks* Esquire. [23d May 1794.]

[The Act gives effect to an agreement dated the 28th of March, 1794, for the exchange of lands belonging to the College, namely certain parcels amounting to 202<sup>a</sup> 3<sup>r</sup> 11<sup>p</sup> in Eaton Hastings, and certain other parcels amounting to 109<sup>a</sup> 1<sup>r</sup> 4<sup>p</sup> in Buscot, for lands belonging to Edward Loveden Loveden in Stanford in the Vale of White Horse, namely 127<sup>a</sup> 2<sup>r</sup> 23<sup>p</sup> of equal or superior value to the College lands in Eaton Hastings, and 119<sup>a</sup> 3<sup>r</sup> 20<sup>p</sup> of equal or superior value to the College lands in Buscot; the 127<sup>a</sup> 2<sup>r</sup> 23<sup>p</sup> to be subject to a College lease of the lands in Eaton Hastings, and the 119<sup>a</sup> 3<sup>r</sup> 20<sup>p</sup> to a College lease of the lands in Buscot in place of the lands comprised in those leases. The Act vests the property accordingly from the 24th of June, 1794.]

42<sup>o</sup> GEO. III. Cap. 108.<sup>1</sup> [No. 307.]

An Act for dividing, allotting, laying in Severalty, A. D. 1802.  
and inclosing, the Open and Common Fields,  
Common Meadows, and other Open and Com-  
monable Lands and Waste Grounds, within the  
Parish of *Saint Giles*, in the Town of *Cambridge*  
in the County of *Cambridge*.

[22d June 1802.]

[The preamble recites *inter alia* that the Warden and Scholars of Merton College, Oxford, claim to be *Lords* of the Manor of Merton Hall in the Parish of St. Giles and are seised of certain lands in the Parish: that the Corporation of Cambridge and Jesus College, Cambridge, respectively claim to be owners of the soil within the Town of Cambridge; and the Master, Fellows, and Scholars of St. John's College, Cambridge, claim to be Lords of the Manor of Harleston within the Parish, and Sir Charles Cotton Baronet is lord of the Manor of Madingley extending into the said parish: that the Bishop of Ely and Jesus College are appropriators of the rectory: and that St. John's College, Corpus Christi or Benet College, King's College, Gonville and Caius College, Clare Hall, and divers other persons are seised of or entitled to the residue of the open and common fields.

Section 1 appoints three enclosure commissioners.

Section 2 provides that vacancies occurring in the place of one Commissioner may be filled by Merton College, of the second by the Bishop of Ely and Jesus College, and of the third by the major part in value of the other parties interested.

Section 10 provides for the trial by action to be brought by the Corporation of Cambridge against Merton,

<sup>1</sup> Private.

A. D. 1802.

Jesus, and St. John's Colleges, and Sir Charles Cotton to determine the right to the soil of the waste lands.

Section 11 bars the rights of the Corporation not prosecuting or the other parties not defending the action.

Sections 12 and 13 provide similarly for an action to be brought by Jesus College against Merton College or the Corporation to determine the right to the waste lands, and for barring those rights in default of prosecution or defence.

Sections 14 and 15 are similar clauses relating to other parties.

Section 30 provides that the powers of the Act shall not be exercised in, over, or upon

'a certain piece or parcel of commonable land lying in the said parish called or known by the name of Queen's green lying between certain grounds belonging to Queens college and the road leading from Newnham to *Bell Lane* nor in over or upon certain parts of commonable land or ground lying between King's Spring and Garret Hostel Lane commonly called or known by the name of Clare Hall Piece and Crouches and belonging to the said provost and scholars of the King's college nor in over or upon a certain parcel of commonable land or ground, which is bounded on the east by certain walks belonging to Trinity college on the west by the turnpike road leading from Newnham to Bell lane on the south by Garret Hostel lane and on the north in part by the south side of a garden in the possession of the said Master and fellows of Saint John's college and in other part by the south end of a foot path between the said garden and certain walks belonging to Trinity college'.

Section 33 contains a proviso prohibiting the Commissioners from diverting or in any manner affecting the rights of the Master, Fellows, and Scholars of Trinity College in

'a certain ancient Watercourse used by them for the

42 Geo. 3] *St. Giles's, Cambridge, Inclosure.* [Cap. 108

purpose of conveying water from certain springs in the said parish of Saint Giles, into the conduit situate within the said last-mentioned college'.]

45<sup>o</sup> GEO. III. Cap. 82.

An Act for effectuating an Exchange between the Chancellor, Masters, and Scholars of the University of *Oxford* and the Right Honourable *Jacob Earl of Radnor.* [27th June 1805.]

[This Act gives effect to an agreement for exchange of six acres of freehold land at Britford, Wilts., and a messuage and 310 acres of land in Nunton, and Bodenham in the parish of Downton, Wilts., copyhold of the Manor of Downton, of which the University were seised under the will of John Bampton upon trust for the endowment of the Bampton Lectures, (such messuage and lands being of the annual value of £240 and being let to the Earl of Radnor for £130 a year) for 219 acres of land belonging to the Earl in Wing, Bucks., let for and worth £260 a year, the University agreeing to pay £489 8s. 0d. for equality of exchange. The Act vests the property accordingly from the date of its passing.]

48<sup>o</sup> GEO. III. Cap. 149.

An Act for effectuating an Exchange between the President and Scholars of *Saint John Baptist College*, in the University of *Oxford*, and *Christopher Hull*, of *Footscray*, in the County of *Kent*, Esquire. [30th June 1808.]

[This Act gives effect (vesting the property accordingly as from the date thereof) to an exchange agreed upon

A. D. 1808.

between St. John's College, Oxford and Christopher Hull, by which the College gave freehold premises of which it was seised under the will of Dr. Holmes, late President, namely an undivided fourth part of a messuage and cottage and of 8<sup>a</sup> 2<sup>r</sup> 31<sup>p</sup> of land belonging thereto in Chiselhurst and Footscray, Kent, and an undivided moiety of three messuages with 141<sup>a</sup> 0<sup>r</sup> 33<sup>p</sup> of land belonging thereto at Footscray and Bexley to Christopher Hull, owner of the remaining shares, and received 177<sup>a</sup> 0<sup>r</sup> 28<sup>p</sup> of land at Garsington, Oxon, with twenty-four cow commons belonging thereto, together with £44 17s. 0d. for equality of exchange.]

53<sup>o</sup> GEO. III. Cap. 98.

A. D. 1813. An Act for enabling the Principal and Scholars of *Brazen Nose College, Oxford*, to sell the Manor and Farm of *Gennings Court, Kent*, to Sir *John Gregory Shaw*, Baronet, and to apply the Money thence arising in the Purchase of other Estates to be settled to the same Uses.

[21st May 1813.]

[This Act gives effect to the sale by Brasenose College for £4,323 12s. 6d. (vesting the property from the payment of that sum into the Bank of England) of the manor or reputed manor of Gennings Court and a farm of 61<sup>a</sup> 0<sup>r</sup> 26<sup>p</sup> in Yalding, West Paringent, and Nettlestead, Kent, to Sir John Gregory Shaw, Baronet, then lessee thereof for twenty-one years from Michaelmas, 1812. By section 6 the income derived from the purchase money is to be accumulated for seven years and paid into the Bank of England to be applied in the same manner as the principal.]

54<sup>o</sup> GEO. III. *Cap.* 30. [Loc. & Pers. not printed.]  
[No. 239.]

An Act for effectuating an Exchange between the A.D. 1814.  
Provost and Scholars of *Oriol College*, in *Oxford*,  
and *George Harris* Esquire, of certain Freehold  
Estates in the County of *Kent*.

[17th June 1814.]

[This Act gives effect to an agreement of the 11th of  
December, 1813, for the exchange by Oriol College of  
a farm of 160<sup>a</sup> 3<sup>r</sup> 37<sup>p</sup> and certain woodgrounds in  
Throwley, Eastling, and Ospring, Kent, held under  
the will of Elizabeth Ludwell on trust to apply the  
profits of the farm in maintaining two exhibitioners  
and the profits of the woodgrounds for the benefit of  
poor scholars or servitors, for Bilham House or Farm  
and lands amounting to 146<sup>a</sup> 2<sup>r</sup> 23<sup>p</sup> in Kingsnorth,  
Mersham, and Sevington, belonging to George Harris;  
the annual value of the premises given by the College  
being stated as £140 and of that received £210, ex-  
clusive of the timber in respect of which George Harris  
was to pay £869 11s. 6d. for equality of exchange. The  
Act vests the property on payment into the Bank of  
England of the sum of £869 11s. 6d. which is required  
to be paid on or before the first of August, 1714.  
Section 8 apportiones six-sevenths of the rents and  
profits of Bilham Farm and lands and one-third of  
the profits from the lands to be purchased with the  
sum received for equality of exchange, as applicable  
to the maintenance of the exhibitions, and the balance  
to be for the benefit of the poor scholars or servitors.]

56<sup>o</sup> GEO. III. *Cap.* 74. [Private Act not printed.]  
[No. 213.]

An Act for effectuating an Exchange of the Advowson A. D. 1816.  
of the Church of the Parish of *Bagendon*, in the



A. D. 1816.

County of *Gloucester*, belonging to *Joseph Pitt* Esquire, for a Right which the Principal, Fellows, and Scholars of *Jesus College*, within the City and University of *Oxford*, of the Foundation of Queen *Elizabeth*, have in the Nomination of a Curate to the Curacy of the Improprate Rectory of *Cheltenham*, in the said County, also belonging to the said *Joseph Pitt*. [22d June 1816.]

[This Act gives effect from the passing thereof to an agreement between Jesus College, Oxford, and Joseph Pitt, owner of the improprate rectory of Cheltenham, by which the College received the advowson of the rectory of Bagendon in exchange for its right to nominate from time to time three of its fellows for the selection of one by the owner of Cheltenham rectory to fill the curacy of that parish. The endowment of the curacy was a rentcharge of £40 a year payable out of the rectory of Cheltenham; Bagendon rectory was stated to be of the value of £200 a year and upwards.]

1<sup>o</sup> GEO. IV. Cap. 35.

A. D. 1820. An Act for effecting an Exchange between the Provost and Scholars of the *King's College* of *Blessed Mary* and *Saint Nicholas* of *Cambridge* and *Wyrley Birch* Esquire, of Estates in the County of *Norfolk*. [15th July 1820.]

[This Act gives effect from the passing thereof to an agreement between King's College and Wyrley Birch by which the College parted with the manor of West Wrotham, Norfolk, and 1747<sup>a</sup> o<sup>r</sup> 31<sup>p</sup> of land in West Wrotham parish, of the annual value in all of £628 and of the capital value of £15040, exclusive of timber worth £1286 7s. 2d., receiving in exchange the manor of Caston Hall in Shipdham, Norfolk, and 493<sup>a</sup> o<sup>r</sup> 9<sup>p</sup> of

land in Shipdham, Ovington, and Carbrook, the manor A. D. 1820.  
and lands together being of the annual value of  
£762 8s. 8d. and of the capital value of £18871 15s. 5d.  
exclusive of timber worth £450. The agreement pro-  
vided that the premises received by the College should  
be made subject in lieu of those parted with to a lease  
of the latter of which Wyrley Birch was the holder.]

3<sup>o</sup> GEO. IV. Cap. 20.

An Act for effecting an Exchange of Lands between A. D. 1822.  
the Right Honourable *Richard William Penn*  
Earl *Howe* and the Master and Fellows of *Catherine*  
*Hall*, in the University of *Cambridge*.

[24th June 1822.]

[This Act gives effect from the passing thereof to an  
agreement between Earl Howe and Catherine Hall,  
Cambridge, by which Catherine Hall parted with  
87<sup>a</sup> or 7<sup>p</sup> of land at Congeston, Leicestershire, of the  
yearly value of £91 19s. 0d., and of the fee simple  
value of £2574 12s. 0d., held by the College under the  
will of Bishop Sherlock as the endowment of a scholar-  
ship to go with the Library Keeper's place; and re-  
ceived in exchange 76<sup>a</sup> 1<sup>r</sup> 8<sup>p</sup> of land, part of Earl  
Howe's Nether Whitacre estate, of the yearly value of  
£110 6s. 6d., and of the fee simple value of £2868 9s. 0d.  
exclusive of timber worth £300.]

3<sup>o</sup> GEO. IV. Cap. 31.

An Act for settling upon the President, Fellows, and  
Scholars of *Trinity College* in the University of  
*Oxford*, and upon the Rector of the Parish of  
*Dumbleton* in the County of *Gloucester*, certain  
perpetual Rent Charges issuing out of the Estate.

A. D. 1822.

of the 'Right Honourable John Sommers Earl Sommers, in Dumbleton, and for vesting certain Lands there in the said Rector; and for vesting certain Tithes and Lands belonging to the said College and Rector respectively in the Mortgagees of the said Earl, subject to Equity of Redemption.

[24th June 1822.]

[The preamble recites *inter alia* that Trinity College, Oxford, on the 13th of December, 1695, granted a lease for ten years to Sir Richard Cocks of a portion of tithes in Dumbleton at the yearly rent of £4 6s. 8d., 4 quarters of wheat, and 4 quarters of barley; that Sir Richard Cocks and the successive owners of the Dumbleton estate remained in possession of the portion of tithes without so far as was known any further lease but paying £10 yearly rent, till in 1819 the College brought an action of ejectment against Earl Somers then owner of the estate to recover the portion and a close called Dog Court or Dog Court Yard alleged to have been included in the lease of 1695; that the action ended in a verdict by consent, the Earl agreeing to pay as from Michaelmas, 1818, an annual corn rent of £125 for the fee simple of the property claimed. The then equivalent in wheat for £125 was found to be 279<sup>bush</sup> 5<sup>gal</sup> 3<sup>qu</sup> 1<sup>p</sup>.

The Act gives effect *inter alia* to the agreement charging the corn rent on the Dumbleton estate, and providing for the re-ascertainment of the corn rents in 1832 and every fourteen years thereafter.]

5<sup>o</sup> GEO. IV. Cap. 23.

A. D. 1824.

An Act for uniting the Rectory of *Clifton Maybank* otherwise *Clifton* in the County of *Dorset* with the Vicarage of *Bradford Abbas* otherwise *Bradford* in the same County; and for an Exchange of Part

of the Glebe Lands of the said Vicarage for Lands A. D. 1824.  
of the Most Honourable *Henry William* Marquess  
of *Anglesey* and the Right Honourable *Henry*  
*Paget* commonly called Earl of *Uxbridge*, his eldest  
Son, in the same Parish; and for apportioning the  
the Rectorial and Vicarial Tithes of the said Parish  
of *Milborne Port*; and for an Exchange between  
the Warden and Scholars, Clerks of *Saint Mary*  
College of *Winchester* near *Winchester*, and the  
said Marquess and Earl, of the Manor and Impro-  
prie Rectory and Advowson of the Vicarage of  
*Milborne Port* in the County of *Somerset*, and  
divers Lands and Hereditaments in the Parish of  
*Milborne Port*, for the Manor of *Sherborne Wyke*,  
and divers Farms and Lands and Improprate  
Tithes in the Parishes of *Sherborne*, *Bradford*  
*Abbas*, and *Thornford*, in the County of *Dorset*,  
and for the Advowsons of the said Rectory of  
*Clifton Maybank* and Vicarage of *Bradford Abbas*.

[17th June 1824.]

[The Preamble recites *inter alia* that Winchester College  
are seised of the manor of Milborne Port, Somerset, of  
lands in the parish of Milborne Port subject to leases  
and copyhold grants of divers tenements (one of which,  
Cannon Court Farm, is held on lease by the Marquess  
of Anglesey), and of the impropriate rectory and  
advowson of the vicarage of Milborne Port, of which  
vicarage Dr. Huntingford, Bishop of Hereford, Warden  
of the College, is incumbent; that the rectorial tithes  
are held on lease by the vicar, and from long unity of  
possession have ceased to be distinguishable from the  
vicarial tithes.

The Act gives effect (1) to an agreed apportionment  
of the tithes between the rectory and vicarage (it being  
part of the terms that the whole tithe on Cannon

A. D. 1824.

Court Farm should be assigned to the rectory with a view to that farm being exonerated from tithe), and (2) to an exchange by the College of the said manor, lands, impropriate rectory, and advowson, and of £5 14s. 0d. redeemed land tax on the vicarage, for property forming part of settled estates of which the Marquess of Anglesey is tenant for life and the Earl of Uxbridge tenant in tail in remainder, namely the impropriate rectory and advowson of the vicarage of Bradford otherwise Bradford Abbas, the advowson of the rectory of Clifton Maybank otherwise Clifton, the manor of Wyke otherwise Sherborne Wyke, other hereditaments in Sherborne, Bradford Abbas, and Thornford, and the tithes arising from the same. The terms of exchange provide *inter alia* for making the lands received by the College subject to the lease of Cannon Court Farm in lieu of that farm and fixing the rent reserved by the lease as the accustomed rent of the lands received, for exonerating the tithes to be received by the College out of lands in Bradford Abbas from liability to repair the chancel, for uniting the rectory of Clifton Maybank (where there was no church) with the Vicarage of Bradford Abbas, and the erection, after the incumbency of the present vicar, of a new vicarage house on a more convenient site to be given by the Marquess and Earl in exchange for the existing site.]

6<sup>o</sup> GEO. IV. Cap. 37.

A. D. 1825. An Act for effecting an Exchange of Estates in the County of *Norfolk*, between *Wyrley Birch* Esquire, and the Provost and College of *Eton* in the County of *Bucks*. [27th June 1825.]

[This Act gives effect to an agreement between *Wyrley Birch* and *Eton College* for an exchange of 1059<sup>a</sup> 0<sup>r</sup> 27<sup>p</sup> of land in *Shipdham* and *East Bradenham* belonging

to him of the annual value of £1182 14s. 6d. and of A.D. 1825. the fee simple value (with timber worth £406) of £35887 15s. 0d. for the manor of East Wretham and 1864<sup>a</sup> 1<sup>r</sup> 19<sup>p</sup> of land there of the yearly value of £1076 1s. 9d. and of the fee simple value (with timber worth £2010 7s. 5d.) of £34292 19s. 11d. There is a provision that the premises received by the College shall be made subject to a lease held by Mr. Birch on the East Wretham lands in lieu of those lands, and that the rent reserved by the lease shall be deemed the accustomed rent of such premises.]

7<sup>o</sup> GEO. IV. Cap. 25.

An Act to enable the Provost and College of *Eton*, A.D. 1826. in the County of *Bucks*, to grant Building Leases of Lands in the Parishes of *Hampstead* and *Marylebone*, in the County of *Middlesex*, and for other Purposes. [26th May 1826.]

[This Act empowers Eton College to grant ninety-nine years building leases of the College estate of 230 acres in Hampstead and Marylebone, North of the Regent's Park<sup>1</sup>; and confers other ancillary powers, including a power to raise £20000 on mortgage with a provision for redemption of the mortgage, by applying for that purpose one-third of the rents in excess of £500 a year.]

9<sup>o</sup> GEO. IV. Cap. 19.

An Act for effecting an Exchange between the A.D. 1828. Master or Keeper and Fellows of *Gonville* and *Caius College* in the University of *Cambridge* and *John Dickinson* Esquire. [19th June 1828.]

<sup>1</sup> For an exchange by the College of Primrose Hill, part of this Estate, for other property, see 5 & 6 Vict. c. 78 (*infra*).

- A. D. 1828. [This Act gives effect from the passing thereof to an exchange by the College of 7<sup>a</sup> 0<sup>r</sup> 1<sup>p</sup> of land at Rickmansworth, with the right to take water from the river Gade for irrigation, the land and right together being worth £375, for 14<sup>a</sup> 3<sup>r</sup> 1<sup>p</sup> of land at Rickmansworth belonging to John Dickinson worth £500. The premises received by the College are made subject to a lease held by John Dickinson of the 7<sup>a</sup> 0<sup>r</sup> 1<sup>p</sup> and other land in substitution for the 7<sup>a</sup> 0<sup>r</sup> 1<sup>p</sup>.]

10<sup>o</sup> GEO. IV. *Cap. 15.*

1829. An Act for dividing, allotting, and laying in Severalty Lands in the Parish of *Saint Giles* in the Suburbs of the City of *Oxford* in the County of *Oxford*.  
[22d May 1829.]

[The Preamble recites, that St. John's College, Oxford, are lords of the manors of Walton Osney and Walton Godstow, and as such claim the right of soil, in the waste land in St. Giles's parish; and are also entitled to the impropriate rectory of St. Giles and to all great and small tithes out of all titheable lands, with certain exceptions, in the parish, and are patrons of the vicarage; and that the College and other persons are interested in the open and common fields and commonable and waste lands.

The Act provides for an allotment of the lands in accordance with the various interests of the parties concerned, and in particular for allotment to the College in lieu of all tithes payable to them out of the parish of not more than one-fifth nor less than one-eighth of the open and common fields.

Section 55 saves the rights of the lords of the manors of Walton Osney and Walton Godstow over the lands to be allotted.]

10<sup>o</sup> GEO. IV. Cap. 47.

An Act for confirming Exchanges of Lands in the A. D. 1829.

Parish of *Chesterton* in the County of *Oxford*, made between the Trustees of the Earl and Countess of *Jersey* and the Vicar of *Chesterton*, and between the said Trustees and the Warden and Scholars of *New College, Oxford*.

[24th June 1829.]

[This Act gives effect to two exchanges of lands in Chesterton, Oxon., one between the trustees of Lord Jersey's settled estates, the Vicar of Chesterton, and New College patrons of the vicarage, and the other between the trustees and New College. By the latter New College exchanged 358<sup>a</sup> 1<sup>r</sup> 17<sup>p</sup> estimated to be of the annual value of £405 2s. 4d. and fee simple value (with timber worth £89 7s. 0d.) of £11432 12s. 4d., for 337<sup>a</sup> 3<sup>r</sup> 34<sup>p</sup> estimated to be of the annual value of £455 2s. 4d. and fee simple value (with timber worth £89 7s. 0d.) of £12832 12s. 4d.]

7<sup>o</sup> GUL. IV. & 1<sup>o</sup> VICT. Cap. 29.

An Act for effecting an Exchange between the A. D. 1837.

Warden and Scholars Clerks of *Saint Mary* College of *Winchester* near *Winchester* in the County of *Southampton*, and the Dean of the Cathedral Church of the *Holy Trinity* of *Winchester* in the said County, and the Chapter of the same Church, of divers Messuages or Tenements, Lands, and Hereditaments.

[12th July 1837.]

[This Act gives effect from and after the 1st of August, 1837, to an exchange between Winchester College and



A. D. 1837.

the Dean and Chapter of Winchester, by which the College parted with No. 11 Kingsgate Street, and the Blue Boar Inn, a house, coach-house and stable all in Kingsgate Street, a messuage in Winnal parish and another in Cheesehill Street, and received the Sisterne House on the South side and a piece of garden on the North side of College Street, and a house adjoining the Sisterne House.]

1° &amp; 2° VICT. Cap. 30.

A. D. 1838. An Act for effecting an Exchange between the Warden and Fellows of the College of *All Souls*, *Oxford*, and *Thomas Penrice* Esquire.

[27th July 1838.]

[This Act gives effect, from the passing thereof and payment by Thomas Penrice to All Souls College of the sum of £794 8s. *od.*, to an agreement whereby the College parts with the parsonages of Pennard and Llangennith in Gower, Glamorganshire, the glebe and manor of Priorstown otherwise East Town of Llangennith in the parish of Llangennith, the advowsons of the vicarages of the said parishes, and a rentcharge of £2 *per annum* upon Blackhill's lands in Bishopstone payable by the Rector of Bishopstone, and receives in exchange from Thomas Penrice Fortescue Farm and Gray's Farm in Newton Bromshold and Higham Ferrers, Northants., and one third part of the manor of Newton Bromshold called Dewell's Manor and of the advowson of the rectory of Newton Bromshold, together with the sum above mentioned. The value of the premises given by the College is stated as £7372 *os. od.* and of the premises received £7939 19s. 6*d.* exclusive of the said sum of £794 8s. *od.*]

3 Vict.]

*Trinity College, Cambridge.*

[Cap. 5

3<sup>o</sup> VICT. Cap. 5.

An Act for effecting an Exchange between the Master, Fellows, and Scholars of the College of the Holy and Undivided Trinity in the University of *Cambridge* and *Daniel Gurney* Esquire.

[19th May 1840.]

[This Act gives effect to an exchange of the advowson of the rectory of North Runcton *cum* Hardwick and Setch otherwise Setchey, Norfolk, held by Trinity College, Cambridge, under the will of Thomas Hopes charged with a yearly payment of £3 8s. 8d. for a poor scholar in the College and other small yearly payments amounting to £8 3s. 4d. payable to the poor of North Runcton and six other parishes, and subject to a fee farm rent for £2, for the advowson of the rectory of Recpham with Kerdiston, Norfolk, belonging to Daniel Gurney, who is to pay £284 10s. 7d. for equality of exchange, and £500 for the benefit of the rector as an indemnity in case certain small exchanges which have been made of lands of the rectory for other lands in the parish should be annulled.

The property in the advowsons is to be vested from the passing of the Act and payment of the two sums mentioned, which are to be invested in consols and the dividends accumulated during the existing incumbency, and thereafter the income of the whole including the accumulation is to be paid to the rector in augmentation of the living.]

5<sup>o</sup> & 6<sup>o</sup> VICT. CAP. LXXVIII.

An Act for effecting an Exchange between Her Majesty and the Provost and College of *Eton*.

[5th August 1842.]

A. D. 1842. [This Act confirms an agreement for the exchange of Primrose Hill, London,<sup>1</sup> belonging to Eton College, for several houses in Eton belonging to the Crown, including the Christopher Inn, and the houses occupied by the Rev. F. E. Durnford, the Rev. E. H. Pickering, Mrs. Nesfield and William Evans, and the Rev. Edward Coleridge, and a small piece of land adjoining Primrose Hill.

Powers are given to the College to expend certain funds standing to its credit under the control of the Court of Chancery in purchasing the leasehold interests in the premises it acquires under the Act; and the powers conferred by 5 & 6 Vict. c. 20 on the Commissioners of Woods and Forests are extended to enable them to purchase the leasehold interest of John Spice Hulbert in Primrose Hill.]

8<sup>o</sup> & 9<sup>o</sup> VICT. *Cap. 20.*

A. D. 1845. An Act to enable the Warden and Scholars, Clerks of *Saint Mary College of Winchester* near *Winchester*, to carry into effect a Contract entered into by them for the Sale of certain Parts of the Estates belonging to the said College in the *Isle of Wight*, and to invest the Purchase Money in other Estates for the Benefit of the said College.

[8th August 1845.]

[This Act confirms an agreement by Winchester College for the sale and conveyance to Queen Victoria of certain lands (adjoining the Osborne Park Estate which Her Majesty had contracted to purchase), namely Barton Wood, 105<sup>a</sup> 3<sup>r</sup> 25<sup>p</sup>, with seashore

<sup>1</sup> For previous legislation with regard to the Eton College Estate in Hampstead and Marylebone see 7 Geo. 4. c. 25 (*supra*).

adjacent, Barton Farm,<sup>1</sup> 419<sup>a</sup> 2<sup>r</sup> 0<sup>p</sup>, and a messuage A. D. 1845.  
called Dashwoods, being parts of the demesnes of the  
manor of Barton belonging to the College, and Little  
Shamblers Farm copyhold of the manor held on lives.  
The purchase price, £18600, and £500 in addition for  
costs of the College in purchasing other lands, are to  
be paid on the expiration of the existing lease of  
Barton Farm on the 1st of November, 1862, and in  
the meantime an annual rentcharge of £113 16s. 0d.  
is to be paid, and the payment of the two sums and  
the rentcharge is to be secured by a term of one  
thousand years to be vested in trustees of the whole  
property to be acquired by Her Majesty, including  
the Osborne Park Estate.]

9<sup>o</sup> & 10<sup>o</sup> VICT. *Cap.* ccclxxxix.

An Act for enabling the Warden and College of the A. D. 1846.  
Souls of All Faithful People deceased of *Oxford*  
to grant Building and Improving Leases of their  
Estates in the County of *Middlesex*.

[18th August 1846.]

[This Act authorizes the granting by All Souls College  
of building leases for ninety-nine years of 76<sup>a</sup> 1<sup>r</sup> 12<sup>p</sup>  
of land in St. Luke's, Chelsea, 261<sup>a</sup> 3<sup>r</sup> 26<sup>p</sup> in Willesden,  
and 38<sup>a</sup> 2<sup>r</sup> 21<sup>p</sup> in Hammersmith, and gives other  
necessary ancillary powers.

Section 13 declares the Act to be a public Act.]

14<sup>o</sup> & 15<sup>o</sup> VICT. *Cap.* 18.

An Act to enable the Dean and Chapter of the A. D. 1851.  
Cathedral Church of *Christ* in *Oxford*, of the  
Foundation of King *Henry* the Eighth, and their

<sup>1</sup> For a previous exchange by the College of part of Barton Farm for other  
land see 25 Geo. 3. c. 20 (*supra*).

Cap. 18]      *The Christ Church (Oxford) [14 & 15 Vict.  
Estate Act, 1851.*

A. D. 1851. Trustees, as Owners in Fee of Lands in *Kentish Town* in the County of *Middlesex*, to grant Building Leases, and for other Purposes.

[7th August 1851.]

[This Act authorizes the granting of building leases for ninety-nine years of 40 acres of land in *Kentish Town*, copyhold of the manor of *Cantlows* otherwise *Cantlers*, held by trustees for the Dean and Chapter of *Christ Church*, to which society they had been devised upon certain trusts by the will dated the 30th of March, 1714, of *Robert South*, D.D.; and gives necessary ancillary powers.]

15<sup>o</sup> & 16<sup>o</sup> VICT. Cap. 10.

A. D. 1852. An Act to enable the President and Scholars of the College of *Saint Mary Magdalen* in the University of *Oxford*, as Owners in Fee of Lands at *Wandsworth* in the County of *Surrey*, to grant Building Leases; and for other Purposes.

[30th June 1852.]

[This Act confers power to grant building leases for ninety-nine years and other ancillary powers with regard to lands at *Wandsworth* held by *Magdalen College*, part of such lands having been included in the devise and bequest by the will, dated the 30th of June, 1812, of *Thomas Sheppard*, D.D., of the residue of his real and personal estate to the College subject to a life interest and power of appointment (which was never exercised) given to his widow, part having been purchased by the widow, and the whole conveyed to the College on the 11th of November, 1850, by Dr. *Routh* President of the College, surviving trustee of the will and brother and heir at law of the widow, to be held on the trusts of the will.]

16 Vict.] *Sidney Sussex College Estate Act, 1853.* [Cap. 1

16<sup>o</sup> VICT. Cap. 1.

An Act to enable the Master, Fellows, and Scholars A. D. 1853.  
of Lady *Frances Sidney Sussex* College in the  
University of *Cambridge* to lease on long Leases  
and otherwise improve their Estate situate at *Clee*  
in the County of *Lincoln*; and for other Purposes.

[14th June 1853.]

[This Act authorizes the granting of building leases for  
ninety-nine years of lands belonging to Sidney Sussex  
College at Clee, Lincolnshire (748<sup>a</sup> 2<sup>r</sup> 18<sup>p</sup> of the gross  
annual value of £1244 os. 8d.), adjoining Great  
Grimsby and partly in the township of Cleethorpe,  
'a bathing place of considerable resort.' The ancillary  
powers conferred by the Act include a power to raise  
£10000 on mortgage for paying the costs of obtaining  
the Act and of making improvements.]

18<sup>o</sup> & 19<sup>o</sup> VICT. Cap. 10.

An Act to enable the President and Scholars of *Saint* A. D. 1855.  
*John Baptist* College in the University of *Oxford*  
to grant Building Leases of their Lands in the  
Parishes of *Saint Giles*, *Saint Thomas*, and  
*Wolvercot, Oxford*; and for other Purposes.

[14th August 1855.]

[This Act authorizes the granting of building leases for  
ninety-nine years of lands forming part of the ancient  
estates of St. John's College, Oxford, namely 455<sup>a</sup> 0<sup>r</sup> 11<sup>p</sup>  
in St. Giles's parish,<sup>1</sup> 6<sup>a</sup> 1<sup>r</sup> 29<sup>p</sup> in St. Thomas's, and  
88<sup>a</sup> 3<sup>r</sup> 3<sup>p</sup> in Wolvercote; and confers necessary an-  
cillary powers.]

<sup>1</sup> See as to the property of St. John's College in St. Giles's parish 1 Geo. 4.  
c. 33 (Vol. 2 (*supra*)) and 10 Geo. 4. c. 15 (*supra*).

30<sup>o</sup> VICT. Cap. xlii.

A. D. 1867. An Act to incorporate "the *Eton Gas Company* (Limited)" by the Name of "the *Eton Gas Company*"; to enable the Company to raise additional Capital; to light the Parish of *Eton* with Gas; and for other Purposes. [31st May 1867.]

[This Act empowers Eton College to grant to the Eton Gas Company a lease of a piece of land part of a larger piece of land belonging to the College called Timberhalls, either subject to a previous lease dated the 23rd of March, 1857, or upon surrender thereof, for such term as will make up forty years from the commencement of the previous lease.]

34 &amp; 35 VICT. CHAP. 3.

A. D. 1871. An Act to authorise the President and Scholars of Corpus Christi College in the University of Oxford to grant a Lease of part of their Estates situate in the parish of Temple Guiting in the county of Gloucester. [24th July 1871.]

[This Act confirms an agreement by which Jane Elizabeth Talbot agreed to give up a customary lease for the life of a person then aged forty-nine years of a mansion house and grounds, woods, and other lands, comprising in all 450<sup>a</sup> 3<sup>r</sup> 20<sup>p</sup>, copyhold of the manor of Temple Guiting of which Corpus Christi College, Oxford, was seised, and also certain rights in the trees and plantations thereon, and the College agreed to grant her a lease of the premises for seventeen years from the 10th of October, 1870, at a yearly rent of £4 15s. 4d.]

• 42 VICT. CHAPTER xxii. •

An Act to authorise a Sale by the Principal and A. D. 1870.  
 Scholars of Brasenose College in the University  
 of Oxford to the Governors of Saint Bartholomew's  
 Hospital of two Houses situate in Little Britain  
 in the City of London within the gates of the said  
 Hospital. [23d May 1879.]

[This Act empowers Brasenose College to sell to the  
 Governors of St. Bartholomew's Hospital, London, for  
 £4137 with interest thereon at 4 *per cent. per ann.*  
 from the 24th of December, 1877, till completion, two  
 messuages within the gates of the hospital held by the  
 governors under a lease from the College for forty  
 years from the 25th of March, 1866, at the yearly  
 rent of £7 6s. 8d.]

• APPENDIX IV

Note on Subsidy and Land Tax Acts.

From an early time the sovereign in addition to his  
 ordinary and permanent revenue was accustomed to make  
 occasional demands on his subjects for grants to meet  
 extraordinary expenditure. When the grants were of  
 direct taxation on property they were made by Parliament  
 on behalf of the Temporality and by the Convocations on  
 behalf of the Clergy.

Under the Tudor sovereigns the grants of the Temporality  
 usually took the form either of a 'fifteenth and tenth', or  
 of a 'subsidy'.

The fifteenth and tenth was a tax on personal estate  
 which, though originally intended to be a rateable propor-



## *Note on Subsidy and Land Tax Acts.*

tion of the property taxed, had been fixed at a certain sum<sup>1</sup> in the eighth year of Edward the Third and never afterwards altered. Each locality was left to raise the quota for which it was liable by a rate from the inhabitants. If a greater sum was required to be raised by this form of tax, two or more fifteenths and tenths were granted.

The term 'subsidy' was one of general application, being used of many different kinds of taxes.<sup>2</sup> In its special application to a temporary tax on property it had for a long time no definite quantitative meaning. But by 37 Hen. 8. c. 5 a subsidy was granted of four shillings in the pound on rent and revenue from land and two shillings and eightpence in the pound on personal estate; and with one or two exceptions all subsidies of the Temporality thereafter granted were at the like rate. If they had been assessed according to the true value of the property liable it might have been expected that they would show a gradual increase in productiveness. But this was by no means the case; they showed in fact a decided tendency in the other direction. A subsidy is said to have produced £120,000 in the eighth, and not more than £78,000 after the fortieth year of Queen Elizabeth,<sup>3</sup> and Lord Coke in the reign of James the First states that a subsidy was worth only £70,000.<sup>4</sup> In and after 1588 grants of more than one subsidy at a time were made, but the payments were usually spread over two or more years. The first Act by which more than one subsidy was made payable in one year was 21 Jac. 1. c. 33, which granted three subsidies and three fifteenths and tenths payable in eighteen months. It was usual though not invariable to grant fifteenths and

<sup>1</sup> In Blackstone's *Commentaries*, vol. 1, p. 298, the sum is given as about £29,000, which is in accordance with a statement apparently made in debate in the House of Commons. See *Journals of H. C.* 11th of July, 1610. Dowell (*History of Taxation*, vol. 1, p. 97) gives the sum as between £38,000 and £39,000.

<sup>2</sup> It was used in the reign of George the Third of tonnage and poundage and other like taxes. See 1 Geo. 3. c. 1. For a late example of such use in this collection see 32 Geo. 2. c. 10 (*supra*).

<sup>3</sup> *Journals of H. C.* 11th of July, 1610.

<sup>4</sup> 4th Inst. 33.

## *Note on Subsidy and Land Tax Acts.*

tenths with the subsidies, in the proportion of two to each subsidy, during the reigns of Elizabeth and James the First, after which no fifteenths and tenths were granted.

The taxation by the Clergy in their Convocations affected church property only; private property of ecclesiastics was taxed with that of laymen under the grants of parliament.<sup>1</sup> On the other hand property which had originally belonged to the Church but had passed into lay hands or been appropriated to non-ecclesiastical uses remained taxable by the Clergy. In 1540 the practice began of having the grants of the clergy confirmed by statute. The Act of that year (32 Hen. 8. c. 23 (*supra*)) set out in full the grant made by the Convocation of Canterbury, confirmed it, and authorized a like grant to be made by the Convocation of York. This form was followed in all subsequent cases with one exception, that of 2 & 3 Ph. & M. c. 22 (*supra*), which confirmed a grant made by the Clergy of both provinces assembled in Synod. From 1540 onwards so long as this method of taxation continued there seems to have been but one occasion (1558-9) in which a grant made by the temporality was not accompanied by grants of the clergy. In 1640 the clergy granted subsidies which were not confirmed by parliament.

The tax imposed was always in the form of a subsidy of four, six, or in one instance (4 & 5 Ph. & M. c. 10) eight shillings in the pound charged on nine tenths of the annual value of each benefice according to the King's Books. It was payable in addition to the tenth (which was therefore deducted before the assessment), and was collected along with it. The payments were, like those of the temporality, usually spread over two or more years; in 1545 a subsidy of six shillings in the pound was made payable in two years (37 Hen. 8. c. 24), but with that exception the amount

<sup>1</sup> An exception to this rule was made by 14 & 15 Hen. 8. c. 16. s. 20 (*supra*) which authorized the clergy, in that year only, to tax in Convocation their lands and personalty 'not dismable', this privilege, however, being conditional on their taxing themselves higher than they would be taxed by the Commissioners under the Act.

### *Note on Subsidy and Land Tax Acts.*

to be levied per annum did not exceed two shillings in the pound until 39 Elizabeth (1597-8), in and after which date the payments directed generally amounted to, but never exceeded four shillings in the pound for each year. A subsidy of four shillings in the pound is said to have produced something under £20,000.<sup>1</sup>

The separate taxation of clergy and temporality ceased under the Long Parliament, was revived in 1663 for one year, then immediately abandoned and never renewed, though clauses reserving the rights of the clergy were inserted in Acts granting aids till the end of Charles the Second's reign.

The colleges in the Universities and Winchester and Eton were not spiritual corporations,<sup>2</sup> and their possessions were not by the mere fact of their ownership constituted church property. But they were large holders of appropriated priories and rectories in addition to their other possessions, and were therefore *prima facie* taxable by the clergy as well as by Parliament. Many, if not all, of them had patents exempting them from imposts on both kinds of property; but charter exemptions were disallowed in the statutory grants of subsidies, and the colleges had to depend on the express clauses in their favour contained in the Acts.<sup>3</sup> The clauses are ample in their terms. Those in the grants by the clergy exempt houses of students and colleges in the Universities, Winchester, and Eton, and, after its foundation, Westminster, and benefices and revenues appropriated to them; and in and after 8 Eliz. c. 17 (*supra*) like property appropriated to the Universities. Those in the grants by the temporality in their fullest form exempt the goods and lands of colleges, halls, and hostels in the Universities, Winchester, and Eton, and the goods of the resident members of those institutions, teachers, students, officers, and servants. Examples of the clauses are given

<sup>1</sup> *Bourdin on Land Tax*, p. 3.

<sup>2</sup> *Rex v. New College*, 2 Levinz 14.

<sup>3</sup> In 32 Hen. 8. c. 50, 34 & 35 Hen. 8. c. 27, and 37 Hen. 8. c. 25 granting subsidies of the temporality there are no exemption clauses for the Universities and colleges.

## *Note on Subsidy and Land Tax Acts.*

in this collection of enactments. They become fuller in expression as time goes on; but probably from the first complete exemption was intended.

A new system of taxation was introduced by the Long Parliament, which in 1642 granted to the king £400,000 to be raised from clergy and temporalty alike for the defence of the kingdom, the quotas to be contributed by each county and by certain towns being fixed by the Act.<sup>1</sup> After the breach with the king the parliament continued this plan of raising money, which was also followed under the Commonwealth; the tax was generally levied by monthly instalments. During the reign of Charles the Second the same plan was continued, except in 1663, when, as above stated, subsidies in the old form were granted by the Clergy and Temporalty separately, and on one or two other occasions when a tax by way of a 'pound rate' was imposed. In the first three years of William and Mary grants were made both in the form of monthly sums, and of one or two shillings in the pound.

In 1692 was passed what is generally called the first Land Tax Act, 4 W. & M. c. 1 (*supra*). It must not, however, be supposed that this Act created either a new tax, or a tax to be raised exclusively from the land. It was but one of the series of Acts for granting aids to the sovereign, and like its predecessors imposed a tax on income or annual value both of real and of personal estate.<sup>2</sup> Its importance lay in the fact that it made a determined and successful effort to obtain a full valuation of the subjects of taxation. The result was that a tax of four shillings in the pound produced not far short of £2,000,000. The valuation

<sup>1</sup> 16 Car. 1. c. 32.

<sup>2</sup> The tax is not in the Act itself called a land tax, but an aid, which term was adopted after the Revolution, and was used throughout (except in two Acts of William the Third and one of Anne) till the last annual Land Tax Act, 38 Geo. 3. c. 5 (*supra*). The expression 'land tax' first appears in 8 & 9 [8., Ruff.] Will. 3. c. 6, of which the title is 'An Act for granting an Aid to His Majesty as well by a Land Tax as by several Subsidies and other Duties payable for One Year'; and is repeated in two later years of that reign. In 1 Ann. St. 2. c. 1 the tax is called simply a land tax, and in all subsequent Acts an aid by a land tax, or an aid to be raised by a land tax.

## *Note on Subsidy and Land Tax Acts.*

was not intended to be permanently adopted, and fresh valuations were directed in the following years, but the results again showed a tendency to fall off.

To meet this tendency a new course was adopted for 1697-8 in 9 [9 & 10., Ruff.] Will. 3. c. 10. The practice was reverted to of fixing the sum to be raised and the quotas to be contributed by each county and certain towns and places. The valuation made under 4 W. & M. c. 1 was taken as settling the amount to be produced by a tax of four shillings, and, by calculation therefrom, of three, two, or one shilling in the pound, and the quotas of the respective counties and towns.<sup>1</sup> Thus the tax for 1697-8 being of three shillings in the pound, the total amount to be produced, and the quotas, were fixed at about three-fourths of those produced and contributed under 4 W. & M. c. 1. The same plan was regularly followed in subsequent Land Tax Acts.<sup>2</sup> The mode of raising the tax was as follows. Personal estate consisting of ready money, debts due, goods, wares, merchandize, and other chattels, with certain exceptions, was assessed at six shillings per £100 value for each nominal shilling in the pound of the tax.<sup>3</sup>

<sup>1</sup> It seems to have been also in practice taken as settling the proportions to be contributed to the respective quotas by the smaller assessment districts, into which the counties and towns were divided; although re-apportionment between these districts was possible until the tax was made perpetual and redeemable by 38 Geo. 3. c. 60 (*supra*). See Reg. v. Land Tax Commissioners for the Tower Hamlets Division, 2 Ellis & Blackburn 694.

<sup>2</sup> Some slight variation there was in the amounts till 1777, when that fixed for a tax of four shillings in the pound, which was not afterwards changed, was £1,989,673 7s. 10½d. for England and Wales, as compared with £1,922,712 in 1692.

<sup>3</sup> The meaning of this was that £6 was taken as the equivalent in annual value of £100 capital, an estimate based presumably on the current rate of interest. Under the Commonwealth a five per cent. rate was taken as the basis, and £20 personal estate contributed an equal amount with £1 rent. This was also the rate adopted in the Land Tax Acts in and after 6 Geo. 1, so that a tax of four shillings in the pound meant one per cent. on personal estate.

It is remarkable that personalty, which was primarily charged, should have succeeded in shifting the burden almost completely on to the land. According to Dowell (*History of Taxation*, vol. 2, p. 53) as the tradesmen and others assessed in respect of personalty died off or departed from the particular district, the assessors charged their quota on the land.

## *Note on Subsidy and Land Tax Acts.*

Offices of profit, pensions, annuities and such other personal income as was taxed were assessed at the nominal rate of the tax; and the balance was raised by a rate on the land.

The position of the Universities and colleges in regard to exemption from 1642 onwards was somewhat different from what it had been under the previous system. No exemption was given in the earlier assessments of the Long Parliament, but a petition from Cambridge led to some relief, and ultimately the readers, officers, and ministers of both Universities and the colleges thereof, and of Winchester, Eton, and Westminster, and the masters, fellows, and scholars of those colleges were discharged from the tax upon their stipends, wages, and profits. This exemption was continued after the Restoration in 13 Car. 2. c. St. 2. c. 3 (*supra*), and was extended by 16 & 17 Car. 2. c. 1 (*supra*) to the sites of the Colleges and Halls, and by 22 & 23 Car. 2. c. 3 (*supra*) to other lands of the Colleges and Halls. This last extension was omitted in the later Acts of the reign and in 1 W. & M. [1 W. & M. Sess. 1., Ruff.] c. 3; it reappears in two other Acts of that year, 1 W. & M. [1 W. & M. Sess. 1., Ruff.] c. 20 and 1 W. & M. Sess. 2. c. 1, but not afterwards. The reason for the Colleges being placed in an apparently less favourable position than Hospitals, which enjoy exemption in respect of the rents of their lands, may perhaps be found in the clause added for the first time in 5 W. & M. c. 1 (*supra*), which excludes from exemption tenants of Colleges, Halls, Hospitals, &c., who are bound by their leases to pay all rates, taxes, and impositions. If this was a customary provision in leases granted by Colleges, it may have been thought that they would gain nothing by an exemption for lands not in their own occupation. The gradual growth of the exemption clauses may be traced in the Acts printed in this collection to their ultimate form, as to which see 1 Ann. c. 6. [1 Ann. St. 1. c. 12., Ruff.] (*supra*) and 38 Geo. 3. c. 5 (*supra*). The exemption for College sites was extended so as to include land which belonged to the site (or was within the

## *Note on Subsidy and Land Tax Acts.*

limits) of a college on or before the 25th of March, 1693. If, therefore, any such land ceased to be part of a college site, it remained exempt,<sup>1</sup> while exemption also attached to land added at any time to the site; the effect in the latter case being to throw an additional burden on other lands in the same assessment district.<sup>2</sup>

In 1798 the last of the annual Land Tax Acts (38 Geo. 3. c. 5 (*supra*)) was passed, and in the same session by 38 Geo. 3. c. 60 (*supra*) the quotas levied in that year on land were separated from the amounts contributed by personal estate and by offices, pensions, and other personal income charged, and were made perpetual, subject to redemption as provided by that and later Acts. One result of this Act was to extinguish the power of rendering land exempt from the tax by including it in the site or within the limits of a college. Thenceforth no fresh exemption could be gained except by means of redemption.<sup>3</sup>

The tax on personal estate and on offices and pensions, &c. was continued after 1798 by annual Acts subject to the same exemptions. In 1833 personal estate was relieved by 3 & 4 Will. 4. c. 12 from the tax thereon, which in the year before had produced only £5,214 8s. 4d. The tax on offices, pensions, &c. was, together with the further duties of sixpence and one shilling in the pound imposed by other Acts,<sup>4</sup> abolished in 1877 in all cases where the tax and duties were assessed by Land Tax Commissioners, but not in cases where they were deducted before payment of salaries and pensions payable out of public revenue.<sup>5</sup>

The machinery of assessment of the Subsidies of the Temporalty and of the later aids and land tax has been of the same character throughout. By 12 Hen. 7. c. 13 (*supra*) Commissioners were appointed for each shire and for certain towns from among the residents therein, who,

<sup>1</sup> Cox v. Rabbits, 3 Q. B. D. 307; 3 App. Cas. 473.

<sup>2</sup> Harrison v. Bulcock, 1 H. Blackstone 68. See also note to 1 Geo. 1. Sess. 2. c. 5 (*supra*).

<sup>3</sup> Lord Colchester v. Kewney, L. R. 1 Ex. 368; 2 Ex. 253.

<sup>4</sup> See as to these duties note to 32 Geo. 2. c. 33 (*supra*).

<sup>5</sup> See 39 & 40 Vict. c. 16. s. 12; 40 & 41 Vict. c. 10.

### *Note on Subsidy and Land Tax Acts.*

with the Justices of the Peace, were to assess the tax and to appoint collectors within their respective localities. Commissioners were also appointed by 19 Hen. 7. c. 32 (*supra*). In Acts of the early years of Henry the Eighth the Commissioners were left to be nominated by the House of Commons, and in and after 1523 by the Lord Chancellor and certain other officers of state. In 1640 the practice of nominating the Commissioners by statute was revived, and, except in 1671 when they were left to be appointed by the King under the Great Seal, has continued to the present time, though in and since 1869 the names have not been inserted in the Act, but in a schedule therein referred to, signed by and deposited with the Clerk of the House of Commons.

A separate body of Commissioners was appointed for the University of Oxford regularly with one or two exceptions after the Restoration, and a separate quota was assigned in and after 1697 (9 W. 3. c. 10). Cambridge University was assigned a separate body of Commissioners and a separate quota for the first time by 10 Geo. 1. c. 1 (1723-4). The University quotas, which were never changed, were for Oxford at the rate of £27 19s. 3½d. and for Cambridge at the rate of £25 per shilling of the tax, and were therefore permanently fixed in 1798 at £111 17s. 2d. and £100 respectively on the basis of a tax of four shillings in the pound.



## ADDENDA

19° Geo. III. CAP. XLIV.

A. D. 1779. An Act for the further Relief of Protestant Dissenting Ministers and Schoolmasters.<sup>1</sup>

[The Act relieves protestant dissenting ministers, schoolmasters, and tutors from the necessity of declaring their approbation of and subscribing the Thirty-nine Articles in order to obtain the benefits of the Toleration Act (1 W. & M. [1 W. & M. Sess. 1., Ruff.] c. 18), substituting a declaration of protestantism, and of acceptance of the scriptures as containing the revealed will of God and as the rule of the declarant's doctrine and practice.]

III. No Dissenter to hold the Mastership of any College or School of Royal Foundation, &c.  
 Provided always, That nothing in this Act contained shall extend, or be construed to extend, to the enabling of any Person dissenting from the Church of *England* to obtain or hold the Mastership of any College or School of Royal Foundation, or of any other endowed College or School for the Education of Youth, unless the same shall have been founded since the First Year of the Reign of their late Majesties, King *William* and Queen *Mary*, for the immediate Use and Benefit of Protestant Dissenters.<sup>2</sup>

1 & 2 GEO. V. CHAPTER 46.

A. D. 1911. An Act to amend and consolidate the Law relating to Copyright.<sup>3</sup> [16th December 1911.]

[Part I (sections 1-28) of this Act establishes an Imperial Copyright (which includes *inter alia* copyright in lectures) extending, subject to local legislation to the contrary as regards self-governing dominions, throughout the King's dominions.]

### *Delivery of Books to Libraries.*

Delivery of copies to British Museum and other libraries. 15.—(1) The publisher of every book published in the United Kingdom shall, within one month after the publication, deliver, at his own expense, a copy of the book to the trustees of the British Museum, who shall give a written receipt for it.

<sup>1</sup> This Act was omitted by error from its proper place.

<sup>2</sup> The restriction imposed by this section was removed so far as regards colleges in the Universities of Oxford, Cambridge, and Durham by 34 & 35 Vict. c. 26. s. 3 (*supra*).

<sup>3</sup> This Act was passed too late to be inserted in its proper place.

• (2) He shall also, if written demand is made before the expiration of twelve months after publication, deliver within one month after receipt of that written demand or, if the demand was made before publication, within one month after publication, to some depôt in London named in the demand a copy of the book for, or in accordance with the directions of, the authority having the control of each of the following libraries, namely: the Bodleian Library, Oxford, the University Library, Cambridge, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin, and subject to the provisions of this section the National Library of Wales. In the case of an encyclopædia, newspaper, review, magazine, or work published in a series of numbers or parts, the written demand may include all numbers or parts of the work which may be subsequently published. A. D. 1911

(3) The copy delivered to the trustees of the British Museum shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published, and shall be bound, sewed, or stitched together, and on the best paper on which the book is printed.

(4) The copy delivered for the other authorities mentioned in this section shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(5) The books of which copies are to be delivered to the National Library of Wales shall not include books of such classes as may be specified in regulations to be made by the Board of Trade.

(6) If a publisher fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding five pounds and the value of the book, and the fine shall be paid to the trustees or authority to whom the book ought to have been delivered.

(7) For the purposes of this section, the expression "book" includes every part or division of a book, pamphlet, sheet of letter-press, sheet of music, map, plan, chart or table separately published, but shall not include any second or subsequent edition of a book unless such edition contains additions or alterations either in the letterpress or in the maps, prints, or other engravings belonging thereto.

[Part II (sections 29 and 30), dealing with International Copyright, authorizes the extension of the Act by

A. D. 1911. Order in Council to works first published in a foreign country, subject to certain provisos and exceptions contained in the Act or in the Order.]

29.—(1).

Provided that—

(iii) the provisions of this Act as to the delivery of copies of books shall not apply to works first published in such country, except so far as is provided by the Order;

Saving of university copyright. 15 Geo. 3. c. 53.

33. Nothing in this Act shall deprive any of the universities and colleges mentioned in the Copyright Act, 1775, of any copyright they already possess under that Act, but the remedies and penalties for infringement of any such copyright shall be under this Act and not under that Act.

[Section 34 preserves the right of certain libraries to annual compensation out of the Consolidated Fund under previous legislation for loss of the right to receive gratuitous copies of books.<sup>1</sup>]

Repeal.

36. Subject to the provisions of this Act, the enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule:

Provided that this repeal shall not take effect in any part of His Majesty's dominions until this Act comes into operation in that part.

Short title and commencement.

37.—(1) This Act may be cited as the Copyright Act, 1911.

(2) This Act shall come into operation—

- (a) in the United Kingdom, on the first day of July nineteen hundred and twelve or such earlier date as may be fixed by Order in Council;
- (b) in a self-governing dominion to which this Act extends, at such date as may be fixed by the Legislature of that dominion;
- (c) in the Channel Islands, at such date as may be fixed by the States of those islands respectively;
- (d) in any other British possession to which this Act extends, on the proclamation thereof within the possession by the Governor.

[The Second Schedule includes *inter alia* the whole of 15 Geo. 3. c. 53 (*supra*), 5 & 6 Will. 4. c. 65 (*supra*), and 5 & 6 Vict. c. 45 (*supra*).]

<sup>1</sup> See 54 Geo. 3. c. 156. n. 1 (*supra*), and 6 & 7 Will. 4. c. 110.

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